0001

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IRON WORKERS LOCAL UNION No. 17 INSURANCE FUND and its Trustees, et al., Plaintiffs, vs. PHILIP MORRIS, INC., et al., Defendants.

No. 1:97CV1422
VOLUME I

Deposition of RICHARD CORNER, at 200 Park Avenue, 42nd Floor, New York, New York commencing at 9:56 A.M. on Tuesday, December 15, 1998 before Jacqueline A. Schuh, CSR.

PAGES 1-238

0002

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFFS:

WEITZ & LUXENBERG, P.C.
BY: PAUL J. PENNOCK, ESQ.
JILL MANDELL, ESQ.
180 Madison Lane
New York, New York 10038
(212) 558-5000

FOR THE DEFENDANTS:

WINSTON & STRAWN
BY: ALAN B. HOWARD, ESQ.
CHRISTOPHER M. NOLAN, ESQ.
200 Park Avenue
42nd Floor
New York, New York 10166-4193
(212) 294-4700

0003

THE VIDEOGRAPHER: Good morning. My name is Jim Wood of Video Documentaries, 421-13 Route 59, Monsie, New York. Today's videotaped deposition is being taken of Mr. Richard Corner in the matter of Iron Workers Local Union No. 17, et al. versus Philip Morris, et al., Case No. 97 CV 1422 for the Northern District -- for the U.S. District Court of the Northern District of Ohio, Eastern Division.

Attorney for the plaintiffs is Mr. Paul Pennock and Ms. Jill L. Mandell. Attorney for the

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf
Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

defendants is Mr. Alan B. Howard and Mr. Christopher M. Nolan. Our court reporter is Jacqueline Schuh. Today is December 15th, 1998. It is 9:56 a.m.

Ms. Court Reporter, will you please swear in the witness?

RICHARD CORNER,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. PENNOCK:

Q. Good morning, Mr. Corner.

A. Good morning, Counsel.

Q. As Jim was nice enough to let you know, my name is Paul Pennock. I'm with the law firm of

0004

Weitz and Luxenberg representing the plaintiffs in the class action filed in the Northern District of Ohio. I'm going to have quite a number of questions for you this morning, I'm afraid.

Would you please agree with me that if you don't understand my question at any time for any reason that you'll let me know?

A. I certainly will.

Q. Okay.

A. Thank you.

Q. Just by way of making sure we're doubly clear on that, if you don't ask for clarification, I'll have to assume you understood the question; is that all right?

A. Fair enough. Absolutely.

Q. Also, Mr. Corner, I want you to know that if you need a break at any time for any reason, please just let us know and we will be happy to go off the record and accommodate you, all right?

A. Thank you.

Q. Now, because -- although we're on videotape, we still need verbal responses to questions as opposed to a nod of the head.

A. Right.

Q. And similarly, although we're on

0005

videotape, we'll need to try to avoid talking over one another. Very often in casual conversation one or both parties of the conversation anticipate what someone is going to say or ask and start picking up -- picking up the ball and running with it, but we have to avoid that.

Is that all right?

A. Fine.

Q. Last housekeeping note is that from time to time I'm going to ask the court reporter to mark the time. I'll gist indicate to her, "Would you please mark the time?" That simply, again, is a housekeeping matter for the transcript so if the video has to be edited down, we can do that a little more easily by comparing the questions. So you don't need to pay any attention to that all right?

A. Okay.

Q. I guess I should mention that there will probably be some objections today and unless your counsel -- unless Mr. Howard directs you not to answer, I would still require you to answer the

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

question over the objection, all right?
A. All right.
Q. Mr. Corner, have you ever been deposed before?

0006

A. This is the first time.
Q. Lucky you. Now, did you have occasion to meet with Mr. Howard prior to the deposition today?
A. Yes.
Q. Is Mr. Howard your counsel here at this deposition?
A. Yes.
Q. For how long did you meet with him?
A. For how long?
Q. Yes.
A. For a day and a half.
Q. A day and a half? Okay. And which days were those? I guess it would have been yesterday and the day before. It certainly wasn't today, unless you folks started very early this morning.
A. No, that was yesterday for a half day and then a week, ten days ago for the first time.
Q. Mr. Corner, could you give us your current address for the record, please?
MR. HOWARD: You can give your business address.
THE WITNESS: 521 Fifth Avenue, Suite 1807, New York, New York, 10175.
BY MR. PENNOCK:
Q. I take it, sir, that you did not reside

0007

within the state of Ohio or within one hundred miles of Akron, Ohio; is that fair to say?
A. That's correct.
Q. By whom are you currently employed?
A. By the International Advertising Association.
Q. And their offices are located on Fifth avenue; is that right?
A. That's correct.
Q. Do they have any association or affiliation with Philip Morris, Incorporated?
A. There are 100 corporate members of the association, 3,750 individual members and Philip Morris is one of those corporate -- one of those 100 corporate members.
Q. Now, one point in your career you worked for Philip Morris, Incorporated; is that correct?
A. That's correct.
Q. When did you cease employment with them?
A. I joined Philip Morris in 1979 and left in 1984.
Q. You left in 1984?
A. Right.
Q. And with whom did you commence employment in 1984 -- withdrawn.

0008

What month in 1984 did you leave employment with Philip Morris?
A. I can't recall exactly, but I think it was in the summer.
Q. And I take it you went on to another position at another company; is that correct?

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. That's correct.
Q. With whom?
A. I went to the International Tobacco Information Center called INFOTAB.
Q. And for how long were you with INFOTAB?
A. Four years.
Q. So you left there sometime in 1988?
A. That's correct.
Q. And then where did you go?
A. Then I came here to the United States.
Q. To work for whom, perhaps --
A. Nobody.
Q. Mr. Corner, you wouldn't have to have a copy of your CV with you here today, would you?
A. No.
Q. So you were -- withdrawn.
What were you doing from the period 1998 until I think -- 1988 until I guess it was 1994?
A. When we came to the states in 1988, I

0009

didn't have a job, so for -- until 1989, I lived in a house in Chattham, Cape Cod with the family and in 1989 I came to work here in New York City with the International Advertising Association.
Q. Do you currently derive any income from Philip Morris?
A. No.
Q. Do you derive any income from R.J. Reynolds?
A. No.
Q. To your knowledge, do you derive any income from any tobacco manufacturer?
A. No.
Q. Sir, I'd like to show you what's been marked as Plaintiffs' Exhibit 1. Would you mind initialling the number, the tab, please?
(Plaintiffs' Exhibit 1 was marked for identification.)
BY MR. PENNOCK:
Q. Have you ever seen that document before?
A. No.
MR. PENNOCK: Let me show you, if I could, Plaintiff's Exhibit 2. Exhibit 1 was an Amended Notice of Deposition and Exhibit 2 --
THE WITNESS: That one?

0010

MR. PENNOCK: Yeah, I'm just referring to -- Exhibit 2 was a Notice of Deposition.
(Plaintiffs' Exhibit 2 was marked for identification.)
BY MR. PENNOCK:
Q. Have you ever seen Exhibit 2?
A. Yes, I've seen this. This was what was given to me at my door -- on my doorstep. That's the subpoena, right?
Q. That's correct.
A. I've not seen this.
Q. And so you saw the subpoena which is contained within Exhibit 2, but not the Notice of Deposition which is the first two pages of Exhibit 2?
A. That's correct.
Q. Now, there's an attachment to the subpoena. Did you receive that when you were served

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

with the subpoena for this deposition?
A. I don't recall seeing that.
Q. So you don't recall at any time prior to this morning seeing that --
A. That's correct.
Q. -- attachment? Were you aware, sir, that you had been asked to bring documents as outlined in the attachment to that subpoena to this deposition

0011

today?
A. That's correct.
Q. You were aware of that?
A. Yes.
Q. Have you brought any documents?
A. I have none.
Q. You don't have any in your possession?
A. No.
Q. And you don't have any that are available to you; is that correct?
A. That's correct.
Q. Was there anyone else present when you were meeting with Mr. Howard this week or on the prior occasion?
A. Yes.
Q. Who else was present?
A. Chris Warren.
MR. HOWARD: Nolan. That's okay.
THE WITNESS: Nolan.
BY MR. PENNOCK:
Q. Mr. Nolan who's an attorney present here today?
A. That's correct.
Q. Anyone else other than Mr. Nolan?
A. No.

0012

Q. Did you review any documents in preparation for your deposition today?
MR. HOWARD: You can answer that yes or no.
THE WITNESS: Yes.
BY MR. PENNOCK:
Q. Do you have copies of those documents with you?
A. No.
Q. This morning?
A. No.
Q. Approximately how many documents did you review in preparation for the deposition?
A. I suppose I saw maybe two or three only.
Q. And what were those documents?
MR. HOWARD: I want you to exclude from your answer identification of any documents that were shown to you by counsel. If those two or three were shown to you by counsel, you may not respond to that because it would violate an attorney work-product privilege which I am invoking.
THE WITNESS: Those were documents to which I refer.
MR. PENNOCK: I would call for production of those documents. Any documents reviewed

0013

by a witness in preparation for a deposition is discoverable and any privilege that might have

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Courtesy of http://www.industrydocuments.ucsf.edu/docs/ssxl0001

otherwise attached to the document is deemed waived if it's reviewed in preparation for giving testimony at a deposition.

MR. HOWARD: Not according to the federal rules and not according to the practice in this jurisdiction. If you can cite me to precedent for that, I would review whether my privilege is improperly invoked. But what an attorney deems appropriate to review with a witness in preparation for a deposition reflects my mental processes which the courts have deemed appropriate to cloak in a privilege which I am asserting.

MR. PENNOCK: Well, we'll take that up at a future time and just state for the record that plaintiffs reserve the right to re-depose Mr. Corner on any documents that might be produced pursuant to an appropriate motion.

MR. HOWARD: If you make the motion and it is granted, you can reserve that right. I understand.

MR. PENNOCK: We're at Exhibit No. 3? Mr. Corner, I would like to show you what we've marked as Plaintiffs' Exhibit 3 to your deposition here

0014

today. Alan, I have a copy for you

MR. HOWARD: Terrific.

(Plaintiffs' Exhibit 3 was marked for identification.)

MR. PENNOCK: And I want to note and this will be something applicable to --

MR. HOWARD: I'm sorry. Go ahead.

MR. PENNOCK: It's something applicable to the number of exhibits that we'll be marking. These were printed off of one of the Web sites of documents and for some reason, I don't have the technical knowledge to explain because I have very limited technical knowledge, they printed a blank page throughout the documents. So there's a number of blank pages, so I'm marking the exhibit to include the black pages. Just so there's no concern in light of the fact that at the top of the page it says one of four, two of four, three of four. Do you follow --

MR. HOWARD: That's from the Web site? Let me take a look at this because I have another concern. That's fine. I'm just looking now at the bottom. Is this the Bates range of the document that appears as the last portion of the tab on the bottom, do you know? It appears to be.

MR. PENNOCK: Yeah, that's correct

0015

MR. HOWARD: Because my concern is there has been no resolution, as I understand it, to date concerning the use of privileged documents or documents to which we maintain a privilege that are on the Internet. So to the extent that you downloaded any documents to which we're asserting the privilege, it is my position that you should not be allowed to ask this witness any questions about that document for fear of waiving the privilege until the court has ruled. Again, understanding you can reserve your rights to come back if you get a ruling to re-depose Mr. Corner on such documents.

Now, I don't know whether any of the

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by the Internet Archive http://www.industrydocuments.ucsf.edu/docs/ssxl0001

documents you plan to use are privileged documents, and I guess what we'll have to do is just each time you present a document, just compare the Bates range to our list of documents to which we're asserting a privilege which I would like to do. And that's why I needed to know whether that is the Bates range, fair enough?

MR. PENNOCK: Yeah. Well, I thought that Judge Gwin this week, last week, indicated that it was not a basis for directing a witness not to answer, but your privilege was nevertheless -- or any claims of privilege would be preserved.

0016

MR. HOWARD: If he ruled that way on Thursday, I was not at the hearing on Thursday.

MR. PENNOCK: You know --

MR. HOWARD: My information's out of date. We can go off the record and try to confirm that.

MR. PENNOCK: Why don't we go off the -- well, let's stay on the record for one more second. My understanding is that he addressed the issue and that he ruled that questions could be asked, but there were certain limitations maybe on what questions or what areas could be delved into, so I think we better ascertain that

MR. HOWARD: Let's go off the record.

THE VIDEOGRAPHER: We're going off the record. It's 10:12 a.m.

(Recess taken.)

THE VIDEOGRAPHER: Back on the record. It's 10:18 a.m. Mr. Howard?

MR. HOWARD: Yeah, back on the record. During the brief break we had an opportunity to confirm with plaintiffs' counsel, Jerry Kristal, on December 10th last Thursday a hearing before Judge Gwin he addressed this issue of privilege and instructed counsel attending these depositions to go

0017

forward with examination on documents to which defendants are still asserting the privilege with the understanding that Judge Gwin will rule on that privilege issue later, but that it should not be a basis to instruct a witness not to answer. But the portions of the transcript in which answers are given to privileged documents shall be sealed and remain sealed until the judge does rule on each document.

And with that understanding, that's the way we can proceed today. It may be a moot point if there are no privileged documents offered as we have checked and Exhibit 3 is not one to which we are asserting a privilege, so we don't have to worry about that issue yet, but I appreciate your accommodation in figuring out what the status is.

MR. PENNOCK: Good.

MR. HOWARD: Thank you. And Richard, thank you for your indulgence to our lawyering.

THE WITNESS: Thank you.

BY MR. PENNOCK:

Q. Mr. Corner, could you please take a quick look at Exhibit 3. That's a memo or inner office correspondence that you drafted back in 1980; is that correct?

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Courtesy of http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. Yes.

Q. Now, at that time what position did you hold with Philip Morris, if any?
A. I was the manager of industry issues.
Q. How long had you held that position?
A. Since I was hired which is -- this is, I see, April the 4th, 1980, I came in 19 -- 1979, so I would be there just about maybe a year or under a year and that was the position that I held when I -- when I joined Philip Morris.
Q. And the subject of the memorandum is ICOSI secretariate and Doyle termination. Do you see that?
A. Yeah.
Q. Now, ICOSI is an acronym for the International Committee on Smoking Issues; is that right?
A. That's correct.
Q. And the secretariate was the ruling office for the committee; is that correct? Withdrawn. I'll withdraw that.
Why don't you tell me what the ICOSI secretariate is?
A. An office for which the business of the association was conducted.
Q. And it references, as I mentioned, the Doyle termination, correct?
A. That's correct.
Q. And first name is escaping me at the moment. Is that Julian Doyle?
A. Julian Doyle, correct.
Q. And what was the basis for this termination?
A. It was things had not worked out.
Q. By the way, Julian was a gentleman? Was he a man?
A. Yes, he was an Australian.
Q. You mean to say that's a contradiction in terms?
A. Julian Doyle was an Australian who was hired as the first secretary general, I think it was called, secretary general of ICOSI.
Q. Okay. Well, me just clean up the record. Mr. Corner, Julian Doyle was -- held what position?
A. Secretary general of ICOSI.
Q. He was the first secretary general of ICOSI.
A. That's correct.
Q. Now, when you say things hadn't worked out, what do you mean by that?

A. That he was unprofessional in his handling of the secretariat's affairs.
Q. Can you give me an example of what he did that was determined to be unprofessional?
A. Misuse of funds.
MR. HOWARD: Let's go off the record.
MR. PENNOCK: We'll go off the record.
THE VIDEOGRAPHER: We're going off the record. It's 10:22.

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Document http://www.industrydocuments.ucsf.edu/docs/ssxl0001

(Recess taken.)
THE VIDEOGRAPHER: We're back on the record. It's 10:25 a.m. Mr. Pennock, please continue.
BY MR. PENNOCK:
Q. Mr. Corner, just before we broke for a minute you indicated Mr. Doyle had engaged in misuse of funds, correct?
A. That's correct.
Q. Do you have any additional information with respect to that?
A. Not -- I have no additional information, no.
Q. Was that the only reason that he was terminated?
A. That's correct.

0021

Q. Who took his place?
A. There was interim -- there was a gentleman called Gwynn Hargrove. You will see his name in the last paragraph, heading of the last two paragraphs of the letter. We had an interim -- interim secretary general who was Gwynn Hargrove, since deceased. He was with BA, British American Tobacco Company. He came in as the interim secretary general. And then following him -- following him was Mary Covington.
Q. Right. The correspondence which you drafted was addressed to Mr. -- was addressed to Mr. R.W. Murray, correct?
A. That's correct.
Q. Who was he?
A. Bill Murray was the president at that time. He was the president of the Europe -- Europe African Middle East region based in Lusanne, Switzerland.
Q. Do you recognize any of the CCs noted to the right side of the document at the time?
A. The first one, AEB, is Albert Bellot, since deceased. He was the senior vice president of the region. JMH is Jules Hartogh who was the vice president of corporate affairs for the region. BBB, I

0022

cannot recall now. TLW is Tana Wells who was a member of the department -- the corporate affairs department in Philip Morris Lusanne.
Q. Philip Morris, I'm sorry?
A. Philip Morris Lusanne, Europe African Middle East headquarters.
Q. Was this document CC-ed to anyone in the United States?
A. No.
Q. By the way, in dealing with folks in Philip Morris in the United States, what was your usual means, if you had one, of sending documents to them?
A. Well, interestingly enough, basically ICOSI was a European driven organization because the -- Bill Murray was responsible from Lusanne and the other companies, seven companies, were the constituents of ICOSI. They were all driven from European bases.
Q. Well, you certainly had from time to

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

time communication with folks at Philip Morris back in the states; is that collect?
A. Not really, no. We were -- the work that I was involved in here was administrative work which was directed to Bill Murray here and Jules

0023

Hartogh to go who was responsible under Bill Murray for the Philip Morris -- Philip Morris participation in ICOSI.
Q. But the work that you were doing -- well, we'll get into it in a little more detail.
Coming back to communication, is it your testimony that you do not recall having any written communication with any persons in the United States at Philip Morris during your tenure with them at ICOSI?
A. I can't -- I can't swear to that because it was over a period of while I was with Philip Morris in five years. Certainly the bulk of what we did here was European based, but I cannot swear to that, I'm afraid. It's too far back.
Q. A lot of the things that you were doing with ICOSI during that time period in Europe would be communicated to Philip Morris back in the states; that's correct, isn't it?
A. I don't -- well, let me put it another way. If you're asking -- if you're asking me did we regularly send communications to the states on these matters, the answer is no, we didn't.
Q. Well, what -- let's take meetings of ICOSI. And would there be summaries of the meetings sent to anyone in the United States?

0024

A. I'm sure there would be, yes.
Q. Okay. And you're familiar with a subcommittee of ICOSI known as the Social Acceptability Working Party?
A. Interestingly, I had totally forgotten about it until I saw it on a subpoena and I didn't even know what it meant.
Q. All right. But --
A. But the answer to your question, now that I -- the answer is yes.
Q. In the law they say you can refresh someone's memory with a ham sandwich, so I guess I did so.
MR. HOWARD: I thought it was indicting a sandwich, but we might be mixing metaphors.
BY MR. PENNOCK:
Q. That Social Acceptability Working Party is also referred to as a SAWP; is that correct?
A. Yes, SAWP.
Q. So you would meet from time to time during your tenure with ICOSI; is that not right?
A. Yes.
Q. And the summaries of meetings of SAWP would be sent back to the United States of Philip Morris also; is that correct?

0025

A. I do not know because the chairman was Dennis Durden and where the minutes -- he was responsible for the minutes; where those minutes went to, I'm not sure.
Q. Did any work that ICOSI performed get

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Digitized by the Industry Documents Library http://www.industrydocuments.ucsf.edu/docs/ssxl0001

sent to the National Manufacturing Associations in the United States?
A. It would have been sent to all the manufacturing associations around the world.
Q. And that would have excluded the United States?
A. Yes.
Q. And from the national manufacturing associations, the documentation -- well, let me withdraw that.
It was the intent by sending documents from ICOSI to the national manufacturing associations that the national manufacturing associations distribute those materials to its members; is that fair to say?
A. What they did with those -- with those documents, of course, I cannot say. The reason for sending documentation to the national manufacturer's association was because one's giving a service to the associations around the world, giving them information

0026

about what was happening.
MR. PENNOCK: What exhibit are we up to, please?
THE REPORTER: Four.
MS. MANDELL: Four.
MR. PENNOCK: Alan, you do you need me to pause? I'm fairly confident these aren't privileged.
MR. HOWARD: Are they now two separate exhibits?
MR. PENNOCK: Well, the copies are just stapled for convenience, but --
MR. HOWARD: They are two separate exhibits?
MR. PENNOCK: Four and five.
MR. HOWARD: This will give Mr. Corner a chance to review them anyway. Okay. Go ahead.
THE WITNESS: Okay.
(Plaintiffs' Exhibits 4 and 5 were marked for identification.)
BY MR. PENNOCK:
Q. Mr. Corner, I've handed you Exhibits 4 and 5. I see you now have No. 4 in your hand. If you could also take a look at number five and let me identify for the record Exhibit No. 4 is a letter from

0027

Mary Covington to Mr. Corner dated 29 June 1982. It bears a Bates number 2015014976.
Exhibit 5 is a letter to Mary Covington from T.L. Walls bearing date July 7, 1982 and Exhibit 5 is a two-page letter. It has Bates numbers 2015014974 and 2015014975.
BY MR. PENNOCK:
Sir, may I ask you some questions with respect to these?
A. Sure.
Q. The letters deal with certain videotapes on various tobacco issues; is that correct?
A. That is correct, yes.
Q. Now, in Exhibit 4 it appears that Ms. Covington is -- is asking you to provide her with copies of those videotapes; is that right?

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://industrydocuments.ucsf.edu/docs/ssxl0001

A. She's asked for a list of presentations she's going to make. Yes, that is correct.
Q. Okay. And that -- about a week or so later Ms. Walls responds to Ms. Covington; is that correct?
A. July 7, 29th of June, that's correct.
Q. All right. And did Ms. Walls work for you?
A. Not for me. We both worked for Jules

0028

Hartogh as the president of the corporate affairs department.
Q. So it appears that for one reason or another you passed this on to Ms. Walls to respond to Ms. Covington. Do you have any recollection of this?
A. No.
Q. Do you have any recollection with respect to the videotapes listed in Exhibit 5?
A. What I do recall is we did produce a whole range of materials which would be circulated and those address the various issues, the various tobacco issues and this would appear to be some of those materials.
Q. Who produced those videotapes?
A. I don't remember that.
Q. Well, in terms of organization, it was ICOSI that produced them?
A. I don't know if ICOSI produced them, no.
Q. Well, was it perhaps Philip Morris that produced them?
A. It would look from this that it was Philip Morris that produced them because they're being asked for by ICOSI by INFOTAB.
Q. Okay. At the time that this was requested of you, you were with ICOSI; is that not

0029

correct?
A. No, at this time I was with Philip Morris.
Q. You were back --
A. No, I was -- I never left. I was with Philip Morris from 1979 to 1984.
Q. Let me clarify that a little bit.
A. Sure.
Q. During the entire time you were with ICOSI you were still being compensated by Philip Morris; is that right?
A. I was never --I was never with ICOSI at that particular time. To assist you, the memorandum about the Doyle termination, my job as the manager of industry affairs for Philip Morris was to represent Philip Morris amongst the other companies. And when we had a vacuum of leadership of ICOSI, if I remember rightly, each company took its term every year to be the lead company for the association.
And so my job became to help man the office up in Brussels with this gentleman Gwynn Hargrove, who I -- you saw his name earlier, as sort of the interim -- he was already retired, an interim secretary general. So my job was to go regularly up to Brussels to help run the secretariate which is

0030

my -- I was not with ICOSI, I was with Philip Morris,

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

but because I was -- represented the lead company for that year, I was told go up to Brussels and help look after things and I did it on a commuting basis. It was really part of my --

Q. Okay. Let me ask --

A. So it wasn't until the end of -- in other words '79 to '84 I was with Philip Morris. I may appear with ICOSI, but I was involved with ICOSI as part of my job.

Q. Would you mind if I just break that down a little bit --

A. Please.

Q. -- and clarify it? So during the time period 1979 to 1984 you were employed by Philip Morris --

A. That's correct.

Q. -- is that right?

A. That is correct.

Q. And your job title during at least some of that time was manager of industry issues; is that right?

A. That is correct.

Q. And did you ever take on a different job title with Philip Morris other than manager of

0031

industry issues?

A. Yes.

Q. And what was that?

A. I can't remember the date now, but it was when the region split into two. It was Europe, Africa, Middle East. At a certain point in time during those five years the region was split into two and the people working in the old big region that portioned out between the two regions and I was made director of corporate affairs for Europe, Middle East, Africa region which is known as -- was known, because they changed it again. It's called EMA, Europe, Middle East, Africa region and I was director of corporate affairs.

Q. Now, when you became director of corporate affairs for Europe, Middle East and Africa, did you cease working with ICOSI, the International Committee on Smoking Issues?

A. I continued being involved with it.

Q. You continued. During the time period that you were employed by Philip Morris then you worked with ICOSI in some capacity during that entire time period; is that correct?

A. I represented Philip Morris in ICOSI, that's correct.

0032

Q. And the other American manufacturer in ICOSI at that time was Reynolds; is that right?

A. That is correct.

Q. All right. So getting back to Exhibits 4 and 5 with respect to the videotapes, your testimony is that you believe Ms. Covington was requesting these tapes from Philip Morris?

A. That's how I read that -- those -- the evidence there, yes.

Q. And it appears that all of these tapes were -- at least by the titles that they were probably in English; would you agree with that?

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Document http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. Yes.
Q. Do you know whatever became of these tapes; in other words, do you have any idea who might have possession of these tapes?
A. No, I'm afraid not.
Q. You don't?
A. No.
Q. Let me just move on to some preliminary issues on smoking.
Mr. Corner, did you ever smoke cigarettes?
A. Yes, I did.
Q. Have you quit?

0033

A. Yes.
Q. When did you quit?
A. I quit when I came to the United States.
Q. That was in 1988?
A. Correct.
Q. Did you quit because of concerns over your health?
A. Perhaps I could go back over my smoking history.
Q. Well, I'll be happy to address that --
A. Because I have stopped and started a number of times.
Q. Okay. When did you start smoking?
A. I started smoking when I was in school at the age of 13. I'm not sure what that is here, but it's -- then it was public school.
Q. All right. And --
MR. HOWARD: You might want to tell the jury where it was a public school to distinguish between here.
THE WITNESS: It was a private school, Oppingham School one of the British public schools known as -- known as private schools.
BY MR. PENNOCK:
Q. How long did you smoke for then?

0034

A. Well, because it was a boarding school we weren't allowed to smoke at school, but we used to smoke on the way there and on the way back. So we used to take our cigarettes with us in biscuit tins and used to strap them up with tape and keep them until 13 weeks later we used to smoke them on the way home on the train.
Following -- following that, I went to the Army because at that time we had to do national service in Great Britain and I smoked in the Army. I then went to university for three years. My father was paying for that and I did not smoke because there were too much other -- too many other things to spend one's money on. And following that I entered the -- entered the work force and I began smoking again.
Q. What time period?
A. We're talking -- we're talking here '56. I was in university from '53 to '56.
Q. So basically from 1956 to 1988 you were a smoker; is that correct?
A. Correct. That's correct.
Q. And at any time during that 32-year -- I'm sorry, 32-year period did you attempt to quit?

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Downloaded from http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. Attempted to quit does not describe it; sometimes I would smoke, sometimes I would not smoke.

There was no, as it was, I'm not going to smoke anymore as of now, no.

Q. During that time period, did you feel that you were addicted to cigarette smoking?

A. The word addiction, no, no.

Q. Now, when you ultimately quit in 1988, did you quit gradually or all at the same time?

A. I don't recall, you know, when I -- when I finally stopped because at some point in time I suppose. I just must have -- just must have stopped, yeah.

Q. So you had been smoking for 32 years and then you decided when you came to the United States to stop.

A. Uh-huh.

Q. Did you have any difficulty in doing that after 32 years?

A. Not at all.

Q. And did anyone in your family want you to quit?

A. No.

Q. No one suggested it to you?

A. (Witness shakes head.)

Q. Any doctor suggest it to you?

A. No.

Q. Getting back to my original question, did you have any concern for your own health? Is that why you quit?

A. It was a -- it was a consideration. Cost was -- cost was the major consideration and we had other -- I had other things to spend my money on, but obviously the alleged health risks were -- were something which I had to make a decision about myself.

Q. Okay. Just coming to cost, how much was a pack of cigarettes in 1988?

A. Oh, gosh, I can't remember.

Q. Do you know how much they were in England in 1988?

A. I don't know because I lived in -- I was living in Switzerland, sorry.

Q. I'm sorry.

A. I left England in 1968, so I don't --

Q. How much were they in Switzerland in 1988?

A. I don't remember because working for a tobacco company I received free cigarettes.

Q. All right. So when you came to the United States, they were no long -- you weren't getting them for free anymore?

A. Correct.

Q. Did you experience any side effects from quitting smoking?

A. Not that I recall.

Q. What alleged health risks, as you put it, were you concerned with when you quit?

A. Alleged health risks. Because I had been involved in the business, I knew that as far as causation is concerned that -- I knew that there was

http://legacy.library.ucsf.edu/tid/dhf37a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

no -- as far as cigarette causing -- cigarette smoking causing certain diseases, that that was not proven.

On the other hand, there were associations of cigarette smoking with certain diseases. And that the -- what I knew about cigarette smoking was that there certainly was not causation proven because otherwise every time somebody smoked a cigarette they would get some disease when that, in fact, was not the case.

However, there were all these studies coming out all the time and -- which showed from epidemiology which showed that there were statistically associations with disease with people who smoked in varying -- varying degrees and everything. And therefore I took the decision, based like everybody else should do in making up my own mind, evaluating what I had learned and read to make a

0038

decision on the health side and that's what I did.

MR. PENNOCK: I'll move to strike the nonresponsive portion.

BY MR. PENNOCK:

Q. Sir, my question is directed at -- let me digress for a second.

You're not a epidemiologist, are you?

A. No, I am not.

Q. And you're not a medical doctor; is that correct?

A. That is correct.

Q. And you've never engaged in any medical research or scientific research with respect to cigarette smoking and causation of disease, have you?

A. No.

Q. Now, my question is simply you had mentioned that you did consider some "alleged health risks" when you decided to quit smoking in 1988 and I'm simply asking you what are those health risks which you considered at that time?

MR. HOWARD: Objection. Asked and answered. His answer was responsive and I don't know what more you're looking for based on the testimony you just elicited about his lack of expertise in medicine and epidemiology. Seems inconsistent

0039

counselor, but if you want him to answer again, you know, may answer over my objection.

THE WITNESS: Well, I think -- if you -- if you read -- if you read all the reports in newspapers and everywhere on these epidemiological studies which are done which show association between this particular custom of smoking and disease, it shows that there is an association, there is a risk and everybody knows that. And I took the decision to, which is everybody's right, and I took my decision to okay, I will no longer smoke.

BY MR. PENNOCK:

Q. Okay. And some of the studies have shown an association, for example, between cigarette smoking and cancer, right?

A. It's on the warning label, so I presume that must be so because it says it on the warning label.

Q. And some of the -- withdrawn.

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

One of the alleged risks that you considered would have been emphysema; is that correct?
MR. HOWARD: Objection to the form.
THE WITNESS: I'm really not qualified to answer that.
BY MR. PENNOCK:

Q. So at the time you quit smoking there was no -- is it your testimony you did not consider any specific physical ailment that might be caused by smoking in making the decision to quit smoking?
A. That is correct. It's general.
Q. Just that cigarettes are generally bad for your health?
A. No, I didn't say that.
Q. Okay. Just general health risks?
A. Yes, as portrayed in -- as described in the articles about the risks of disease associated with cigarette smoking from epidemiological studies.
Q. All right. So when you quit, you didn't believe that smoking caused any of these problems, though; is that right?
A. Cause -- as I understand cause, if you -- as my own mother used to say, so you -- as you make your bed so you lie in it. If you do A, B happens and the answer's no.
Q. All right. What about when you were working with Philip Morris, did you have an opinion as to whether or not -- personal opinion as to whether or not smoking caused cancer at that time?
A. In replying to your question, I must go back to 20 years ago. Things were -- the way -- the

way things were in those days is not the -- not quite the same now. But within the parameters of that -- of that particular time, as I remember the -- the arguments, that, again, causation had not been proved.
And as far as the epidemiological studies were concerned, there was -- if I remember correctly, there was even -- there was less -- there was less of a health hazard that then came on over the years in epidemiological studies, but the position really remained the same except my decision then was to -- was to continue.
Q. At that time you said times were different with respect to smoking and health. Let me rephrase that.
At that time things were different with respect to smoking and health. What do you mean by that?
A. I think -- I think there had not been so many -- there had not been so many epidemiological studies at that time. We're talking 20 -- we're talking 20 years ago.
MR. PENNOCK: All right. Ms. Reporter, could you mark the time, please?
THE REPORTER. Sure. 10:54 a.m.
BY MR. PENNOCK:

Q. Okay. Mr. Corner, we delved briefly into the International Committee on Smoking Issues known as ICOSI and I'd like to come back to that for a little bit, if we can.

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Document from http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Could you tell me, sir, what in your mind at the time was the purpose of ICOSI?

A. Looking back, it's amazing that it wasn't there before, because large international businesses these days, practically everybody has an international association, to keep in touch with the family around -- around the world.

So in other words, the -- the formation of this ICOSI -- and I was not there at the formation. I joined -- I don't even -- I can't remember now when it was -- when it was formed. I joined, as you know, when I came in through Philip Morris in 1979.

But basically it was -- it was an association which had been formed on behalf of the major manufacturers around the world in order to be able to communication and pass information to the tobacco family who are manufacturer's associations in the different countries and also right the way down -- there's the distribution system, but also there is the -- the all-important tobacco growing.

So basically it was the -- as I saw

0043

the -- as I remember, as I recall, the object of the exercise was to be able to communicate with the tobacco family, tobacco family around the world.

Q. All right. So just to boil it all down, Mr. Corner, ICOSI was formed to pass information to the tobacco family?

A. That's correct.

Q. All right. Now, what -- what mediums would you use to do that?

A. We used ordinary communications; mail, the famous telex, now gone, but also, as associations do, particularly conferences where people can get together, network.

Q. Did you have any publications that you utilized for dissemination of information?

A. Do you know we may have done, but I'm afraid I cannot remember.

Q. Okay. Have you ever heard of, for example, The Tobacco Observer? Have you ever heard of that publication?

A. Tobacco Observer. I can't recall, I'm afraid.

Q. Were there -- well, do you remember any trade publications that may have been utilized during that time period?

0044

A. Not really, not really.

Q. Do you recall that -- whether or not trade publications existed, whether you recall the name of them or not, that may have been used by ICOSI

A. I'm sure trade publications existed; whether they were used by ICOSI I cannot -- I cannot remember.

MR. PENNOCK: Can we go off the record for a minute?

MR. HOWARD: Sure.

THE VIDEOGRAPHER: We're going off the record. It's 10:57 a.m.

(Recess taken.)

(Plaintiffs' Exhibit 6 was marked for identification.)

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

THE VIDEOGRAPHER: Back on record. It's 11:06 a.m. Mr. Pennock, please continue.

BY MR. PENNOCK:

Q. Mr. Corner, have you had an opportunity to take a quick look at Exhibit 6?

A. Yes, I've had a quick look at Exhibit 6.

Q. All right. By the way, with respect to ICOSI, were all of the companies that were involved with ICOSI -- or I should say did all of the companies that were involved with ICOSI send a representative to

0045

work within the organization of ICOSI?

A. Each of them had a representative; whether they sent them or whether they came to the meetings was another matter. But yes, each of the -- each of the companies had a representative, right.

Q. And to your knowledge, was there anyone who was actually employed by ICOSI? By that I mean hired, compensated by --

A. Yes, there was the ephemeral Julian Doyle who was there to begin with and there was a secretary. And at one time I think there was an assistant, but at the most it was basically the secretary general and an assistant.

Q. Okay. Now, Exhibit 6 is a document entitled "ICOSI International Committee On Smoking Issues," right?

A. Sorry, which page?

Q. Just looking at the title page.

A. Title page, sorry. Exhibit 6. I beg your pardon. Yes.

Q. And this is a -- this document is Bates number 1003717317 through 1003717330.

Sir, have you ever seen this document before to your recollection?

A. Yes.

0046

Q. Okay. And, in fact, on Page 9 of the document at the bottom your name appears?

A. Yes.

Q. And that's under a portion of the document entitled "Program for ICOSI Briefing of the Secretary General by the Interim Office Members," right?

A. Correct.

Q. And you're described as being the person who apparently was going to review Switzerland and also discuss the role of the international bodies, example, who UNITAD is. Do you see that?

A. Yes.

Q. Now, ICOSI was a nonprofit corporation formed under the laws of Switzerland; is that correct?

A. I read it here earlier, yes.

Q. All right. And essentially it was just a vehicle through which the manufacturers that founded ICOSI could operate together to deal with issues on smoking; is that a reasonably fair description?

MR. HOWARD: I'm going to just object to the form, but you can answer.

THE WITNESS: It was -- it was a trade association formed and they had to base it somewhere. It was based -- it was based in Switzerland.

0047

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

BY MR. PENNOCK:
Q. Now, if you take a look at Page 2 of the -- I'm sorry, Page 1 of the document under Paragraph 2, the founding companies are described there, right?
A. Correct.
Q. And one of the founding companies was Philip Morris, your employer, correct?
A. Correct.
Q. And there were six others, right?
A. Correct.
Q. And one of the others was R.J. Reynolds?
A. Correct.
Q. And the other four -- I'm sorry, the other five were manufacturers of cigarettes from places other than the United States; is that fair?
A. Correct.
Q. Now, the organization ICOSI was formed, it appears, on Page 2 in June of 1977?
A. So I read, yes.
Q. And as indicated in the document, ICOSI had a number of meetings from its formation in June of '77 up through the time that this document was produced in approximately April, 1979, right?
A. That's correct.

0048

Q. Those meetings appear on Page 2 of the document, and correct me if I'm wrong, there was a June '77 meeting in England; a November, '77 meeting in Switzerland; a March ,'78 meeting in Germany; August, '78 meeting in Winston, Salem, United States; a September, '78 meeting in England and a February, '79 meeting in Holland, right?
MR. HOWARD: Objection to the form. Document speaks for itself, but you can answer.
BY MR. PENNOCK:
Q. Do you see that where it says that, sir?
A. Yes, I do.
Q. So essentially ICOSI -- withdrawn.
Essentially the representatives of the different companies of -- that founded ICOSI would send -- would attend these meetings at these different locations to discuss smoking issues; is that right?
A. This was before I joined. What they discussed at those meetings I wouldn't know. I joined -- I joined Philip Morris in -- in '79 and I certainly was not with Philip Morris in February all those -- back to 1977, I have absolutely no knowledge of what happened in those. I can only -- I can only -- I can only surmise, but I don't think that's my job under oath.

0049

Q. Okay. Well, my point is that from the time that you started with ICOSI, would ICOSI have meetings at different locations around different locations, in different countries from time to time?
A. Yes, an annual -- there was an annual meeting hosted by the lead company, as I mentioned earlier. As you'll notice in that list there, companies change each time.
Q. Okay.
A. And each -- each year there would have been an annual get together hosted by the lead company

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Digitized by the Legacy Industry Documents Library. http://www.industrydocuments.ucsf.edu/docs/ssxl0001

for that year, you're correct.
Q. And were there meetings of ICOSI on something other than annual basis when you were there? Because you'll see in this document the meetings were more than annual.
A. There were -- the other meetings would have been the working parties.
Q. All right. Now, turning back to Page 1 of the document, Paragraph No. 1, this is under section entitled "Reason and Objectives." Do you see that?
A. Yes.
Q. Appears to be the reason and objectives for ICOSI; is that right?

0050

A. Correct.
Q. And that paragraph indicates in the third sentence, and correct me if I'm not reading this correctly, "No one industry in one country nor any one company can wage and win the battle against this sort of organized world-wide attack."
Do you see that?
A. I see that.
Q. Do you know what that's referring to?
A. Not having written the document, I do not know what was in the mind of the person who actually -- who actually wrote that, no.
Q. Well, what's your interpretation as it -- withdrawn.
I mean, at the time that this document was generated you were with ICOSI, weren't you, by April, '79?
A. Yes, that's --
Q. Okay.
A. Well, I cannot -- as I said earlier, I cannot remember the exact date, but let's -- let's say for the sake of argument, yes.
Q. All right. So my question is having been with ICOSI in 1979, what is your interpretation of what the author is speaking to in that sentence?

0051

MR. HOWARD: I'm going to object to form, but you can answer.
THE WITNESS: I think that what is meant -- what is meant there is the reason that any industry forms trade associations in that so often companies are facing situations and issues in different markets around the world and there is no point in individual companies or individual units in all those countries each having to do things themselves. That's just not common sense at all.
And that I think what -- the expression, I think the expression there was that the formation of International Committee on Smoking Issues was to provide this -- provide this link, this flow -- this flow of information which would draw people together so all of them would not be operating -- operating alone.
Because the issues, and this happens today in a whole range of -- it happens to the Iron -- the Iron Workers Union, but certainly with the iron workers industry, but it certainly happens in the alcohol industry, it happens in other industries, that

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

the issues in the different countries are all the same. So it makes common sense to come together in an overall association to help address those issues and I

0052

think that's what is meant there.
BY MR. PENNOCK:
Q. Now, the issues that your employer at that time was concerned with had to do ultimately with how much money they would continue to earn from the sale of cigarettes, that's correct, isn't it?
A. I can't -- I can't say that. I really can't say that.
Q. Well, you don't mean to suggest that Philip Morris was not concerned with whether or not it was going to continue to make a profit from cigarettes at that time? Well, let me rephrase it.
Philip Morris at that time was not a nonprofit entity, was it?
A. It was not a nonprofit entity.
Q. It was in the business of selling cigarettes, right?
A. That is correct.
Q. And it participated in and sent you to participate in ICOSI in an effort to further its business interest, that's correct, right?
A. Not necessarily. I think --
Q. So it was participating in this trade association, but it was not necessarily participating in the trade association to further its business

0053

interests?
A. May I answer -- may I answer your question by saying --
Q. Well, just let me obtain the clarification. You're saying that it was participating in ICOSI -- although it was participating in ICOSI it was not necessarily to further its business interests?
A. It was defending -- it was defending its position where it was being basically attacked which, in fact, was the whole area of the social acceptability of the custom of smoking and the freedom of choice of smokers to be able to make up their mind whether or not they were going to smoke.
Q. All right. Well --
A. Hence, the Social Acceptability Working Party.
Q. Well, it was defending its position because it wanted to either preserve its sales of cigarettes as they were at that time or increase them; that's correct, isn't it?
A. Preserve the sales of cigarettes. I think what -- the whole object of the exercise was to be able to continue in business to provide products which people wanted, yes.

0054

Q. All right.
A. Whether -- if that makes money, that's fine. But business -- business is in business in order to satisfy consumer demand. That's what business is all about.
Q. Okay. Well, Philip Morris as with any of the other companies in ICOSI at that time -- let me

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Guru: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

just limit it to Philip Morris. Withdraw that.
Philip Morris was in business to satisfy the demand of consumers for cigarettes, right? One of their products, right?
A. That's one of their businesses, right, that's correct.
Q. And they wanted to satisfy that demand because they obtained, hopefully at that time, they hope, profit from the sale of cigarettes, right?
A. They were a business, correct.
Q. So ultimately their participation in ICOSI, when you get to the bottom line, was to advance their interest in continuing or increasing the sales of cigarettes?
MR. HOWARD: I'm going to object to the form, but you can answer.
BY MR. PENNOCK:
Q. Well, perhaps I should rephrase it.

0055

Ultimately Philip Morris's reason for sending you to ICOSI was because they wanted to preserve their station in the cigarette market?
MR. HOWARD: I'm going to object to the form, but you may answer.
THE WITNESS: What bothers me about the question is that it ignores the whole area of the issues surrounding the -- this particular product and the way it was being attacked as something which is socially unacceptable. And so much of the work which we were doing was basically directed at addressing the threats and the issues of the acceptability of what had been for years and years and years a custom, a tradition.
BY MR. PENNOCK:
Q. Okay. Setting aside why -- what ICOSI -- what their charge was in terms of dealing with social acceptability and we'll get into that in a little bit. My point is Philip Morris wanted to address and wanted you at ICOSI to help address issues of social acceptability because they wanted ultimately to help preserve their sales of cigarettes. That's not an unfair statement, is it?
MR. HOWARD: Objection of form, but you can answer.

0056

THE WITNESS: Again, again, I think the -- what -- what the -- what the founders of ICOSI were trying to do was to -- was to help their -- help their customers, help their consumers, who were being increasingly put upon and threatened by activist activities. And -- you know, who supports the customers of a business if it's not the -- in the last analysis if it's not the manufacturer.
BY MR. PENNOCK:
Q. Okay. So Philip Morris's intent in sending you to ICOSI was to protect the interests of their cigarette customers?
MR. HOWARD: Objection to form.
MR. PENNOCK: Let's let the gentleman just testify.
MR. HOWARD: Well, he said it's one of the things. I mean, you're trying to with each question establish one reason.

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

BY MR. PENNOCK:

Q. Let me rephrase. Okay. Let me rephrase it.

One of the reasons for sending you, Mr. Corner, to ICOSI was to -- for Philip Morris was to protect the interest of its customers, that's what you just said; is that right?

0057

A. Was to help support the customers.

Q. Help support the customers.

A. Right.

Q. And the reason they wanted to help support the customers was a purely altruistic one; is that your testimony?

A. No.

Q. All right. One of the reasons to help support the customer was because they wanted to help support the sales of their cigarettes; that's correct, isn't it?

A. To help support the future of the business, yes.

Q. Okay. Now, if you look down at page -- the bottom of Page 1 in Paragraph 5, if you could just read that paragraph to yourself. You don't need to read it out loud. I have a question about it.

A. Yes, sir.

Q. All right. Paragraph 4 reads "The general objective is to broaden the knowledge of members, consumers and authorities world-wide." Have I read that correctly?

A. Correct.

Q. And then Paragraph 5 says, "This objective will be accomplished in large part by

0058

providing information to national and other tobacco trade associations," right? Have I read that correctly?

A. Correct.

Q. So the -- there it's referring to national trade associations such as the one that existed in the United States, right?

A. Yes.

Q. All right. So expressly in this document which -- well, let me withdraw that.

You'll agree with me that this document seems to attempt to set forth early on in the history of ICOSI what the purpose of ICOSI was, right?

A. Yes.

Q. All right. And expressly here on the first page we see that ICOSI was there and had been formed to, in large part, serve the national trade associations including the one in the United States?

A. Correct.

Q. Now, at -- if you turn if you would to Page 4 of the document, at Paragraph 6 on that page it reads, and correct me if I'm reading this incorrectly, "ICOSI never intends to adopt a public or spokesman role." Have I read that correctly?

A. Correct.

0059

Q. Was it ICOSI's intention to essentially remain as a behind-the-scenes organization?

A. If I remember the -- if I remember the

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

discussion of that at the time, and it happens today in trade associations, the -- each national trade association is sort of an autonomous unit in a way within -- within an industry and as far as I can remember, the idea behind that was that one did not -- one wished to give the trade associations the -- the ability to speak on their -- to speak on their own behalf rather than have industry people speaking.

Q. So ICOSI would operate on behalf of the founding companies, but would actually not, for example, hold press conferences on its own behalf?

A. That's correct, because their products -- their products were passed through to the public through the trade associations.

MR. PENNOCK: All right. Let me -- let me show you if I could, Exhibit 7, Mr. Corner. This is a document the first Bates number is 500877577. The last Bates number is 50087758 -- 7585. If you'd take a moment and look at that, sir.

(Plaintiffs' Exhibit 7 was marked for identification.)

BY MR. PENNOCK:

0060

Q. Now, if I could just direct your attention, and we'll speed this along, but please feel free to stop me if there's something you want to read.

A. It's a very long memo.

Q. Well, my question is fairly simple and if you don't find it to be so I'll accommodate you to read whatever you would like to read.

Mr. Corner, if I could direct your attention to Bates page, and I'll read only the last four digits, 7580.

A. 7580. Yes, sir.

Q. Looking at this page, which has Paragraph C, I'm looking at paragraph -- Subparagraph 4 under C. Do you see that?

A. Subpara 4 under C, yes.

Q. It appears that the initial subscription for the -- each of the founding companies of ICOSI in what I guess would have been 1977 was $40,000. Do you see that?

A. That's what it says.

Q. All right. So basically each of the seven companies at the outset contributed $40,000 to be used as an operating fund for ICOSI; is that right?

A. That's what it says, yes.

Q. All right. And during succeeding years

0061

when you were there were there also amounts paid by each company to ICOSI so that it could have some operating funds?

A. That's correct.

Q. Now, sir, you mentioned a little earlier that there were attacks on the industry in terms of cigarettes -- cigarette issues, right? At the time you were with ICOSI and Philip Morris.

A. Yes.

Q. When you began with ICOSI, were there any particular groups that come to mind today which may have been taking a position contrary to the position of ICOSI or Philip Morris at that time?

A. The groups that immediately come to mind

http://legacy.library.ucsf.edu/tid/dhc37a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

were the activist groups such as GASP, G-A-S-P, such as ASH, Action on Smoking Health United Kingdom and I'm sure there are others, but I cannot now remember their -- remember their names, no.

Q. Well, would you agree with me, Mr. Corner, that there were a number of organizations throughout the world that took a position which was anti-smoking?

A. Oh, yes, of course.

Q. Okay.

A. Yeah, yeah.

0062

Q. And they ranged pretty widely in terms of their membership and characteristics?

A. Yes.

Q. Some of the -- let me name a couple of organizations and ask you if you recall them as taking a position of anti-smoking that ICOSI was dealing with back in the late 70's and early 80's. The American Lung Association?

A. I've heard of The American Lung Association, of course, yes.

Q. American Cancer Society?

A. Yes.

Q. And American Heart Association?

A. Not at that time.

Q. No? The American Medical Association?

A. Not at that time.

Q. The World Health Organization?

A. Yes.

Q. What is The World Health Organization?

A. The World Health Organization is a magnificent organization based in Geneva, I was very close to it. And, in fact, when I was in Africa I flew in an airplane with the previous director -- previous director, met the previous director general Dr. Halfdan Mahler, a Fin. He was a superb man. He

0063

was one of the guiding lights of The World Health Organization.

MR. PENNOCK: Okay. I'm going to show you Exhibit 8, Mr. Corner. Unfortunately, I don't have another copy of that. If you want to take a minute and look on --

MR. HOWARD: That will be fine.

(Plaintiffs' Exhibit 8 was marked for identification.)

BY MR. PENNOCK:

Q. Sir, again, if I may direct your attention to a particular portion, but if there's any other one you want to read prior to answering my question, I'll certainly be happy to let you do so, but I was just going to look at Page 5 of Exhibit 7 and Exhibit 7 is a document entitled swap meeting -- I'm sorry "SAWP Meeting," S-A-W-P, "Washington, D.C. March 31 - April 1, 1980." It covers Bates range 502138628 through 502138635.

Now, I guess actually the first thing I should do is direct to you Page 8. There is an author that appears on the document, Richard Marcotullio. Do you know that gentleman?

A. Yes.

Q. Who was he?

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

0064

A. He was the -- he was my counterpart. He was the -- at R.J. Reynolds.

Q. Okay. Now, at the time that this meeting took place you were with ICOSI; is that right, March/April 1980?

A. '79 to '80? No, I was with Philip Morris.

Q. You had not been assigned to ICOSI yet?

A. Oh, I see. I'm part of the memorandum about my role. I was being succonded -- well not succonded here. I was going to work -- that's on the bottom of Page 5 in that paragraph to which you referred, I think, Richard Corner and Jules Hartogh working with ICOSI. So this is what I was referred to earlier which I was with Philip Morris, but because of the role with Philip Morris I was involved in helping to run ICOSI, yeah.

Q. Okay. In Section C on this Page 5 there are a number of organizations listed. Do you see those? And they include The World Health Organization, right?

A. Correct.

Q. The International Union Against Cancer, correct?

A. Correct.

0065

Q. The International Union Against Tuberculosis, International Organization Against Health Education are both there, right?

MR. HOWARD: I think it's for health education.

THE WITNESS: For health.

BY MR. PENNOCK:

Q. Let me restate that.

Mr. Corner, also underneath the International Union Against Cancer we have the International Union Against Tuberculosis and the International Union for Health Education, correct?

A. Correct.

Q. And then we have, and I'll just read the last four, The International Society and Federation of Cardiology, The United Nations Conference for Technology and Development, The International Labor Organization, The Food and Agriculture Organization and the last one is the United Nations and it reads, correct me if I'm wrong, "To include UN Center for Transnational Corporations and the Economic and Social Council." Have I read all that correctly?

A. That indeed.

Q. All right. Were any of those organizations considered by ICOSI at that time to

0066

present any possibility of being an anti-smoking organization?

MR. HOWARD: I'm going to object to the form.

If you understand it, you can --

BY MR. PENNOCK:

Q. Well, let me rephrase it again. Sir --

A. I think --

Q. -- looking at those organizations, did ICOSI consider any of those organizations at that time

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

to be organizations which had adopted an anti-smoking position?
A. Yes, they had adopted an anti-smoking position as part of the --
Q. All right. Fair enough. Now, we had mentioned a couple of times SAWP and I think I -- I wish it were swap because then --
A. Let's change it.
Q. -- I wouldn't have as much difficulty, but in any event SAWP was again the Social Acceptability Working Party, right?
A. Correct.
Q. Was that, in essence, a subcommittee of ICOSI?
A. It was one of the working parties of

0067

ICOSI, yes.
Q. So it was -- it was like a -- just so the jury understands and I understand, I guess, it was like a subdivision of ICOSI, it was under the rubric of ICOSI?
A. Yes, it was a working party staffed by representatives from the companies under ICOSI, yeah.
Q. All right. Now, bear with me a second. Going back to Exhibit 6, if we could.
A. Six.
Q. And if I might direct your attention to -- and I'm just going to read the last three digits of the Bates number when I'm referring to them throughout here. If I could direct your attention to 324, Page 324.
A. Uh-huh.
Q. At Paragraph 6 of that document, and again this is the document that describes ICOSI, it says, and I quote, "This working party copes with the most difficult problems." Do you see that?
A. Yes, sir.
Q. And they're referring to SAWP?
A. Correct.
Q. Is that correct, sir?
A. Correct, yes.

0068

Q. Now, do you have a recollection, as we sit here today, as to what some of the most difficult problems were that SAWP dealt with at that time?
A. The most difficult problem that SAWP dealt with was addressing the social acceptability as such.
MR. PENNOCK: We're up to Exhibit 8, is that correct?
THE REPORTER: Nine.
MR. PENNOCK: Oh, Exhibit 9. Alan?
THE WITNESS: Thank you.
MR. PENNOCK: Sir, I've just provided you with Exhibit 9 and I'll just pause for a moment to see if counsel has an objection to this document. Maybe for the record we can say that if you -- if Chris discovers a document to which you want to make your privilege objection, we can go back -- we can just interpose it at the end; is that all right?
MR. HOWARD: Yeah.
MR. PENNOCK: 'Cause the questions are going to precede --

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

MR. HOWARD: It won't take him long and it gives the witness an opportunity to review the document.

MR. PENNOCK: All right. Very good.

MR. HOWARD: So if you can accommodate us for 30 seconds, I think that's easy.

(Plaintiffs' Exhibit 9 was marked for identification.)

BY MR. PENNOCK:

Q. All right. Mr. Corner, this document appears to be titled "Part I Short Review of SAWP's Major Activities - Dennis Durden." Do you see that?

A. Yes, sir.

Q. Now, it bears Bates number 2015049256. At Paragraph B(2) in the document, it references as one of its major -- one of SAWP's major accomplishments the social costs/social values study undertaken and some portions completed. Do you see that?

A. Yes.

Q. So it appears that in addition to social acceptability, one of SAWP's major activities was at one time social costs; is that a fair statement?

MR. HOWARD: Objection to form.

You can answer.

THE WITNESS: If I could answer by saying social costs, the costs aspect was one of the areas of social acceptability. In the previous document you had three basic levels for social

acceptability as being defined (inaudible) and social cost. It was one of the areas of social acceptability or unacceptability.

BY MR. PENNOCK:

Q. All right. By the way, under B(3) they also talk as one of the major activities of SAWP as being a countermeasures development working party. Do you see that?

A. Yes, sir.

Q. And it says, I will quote this, "A Countermeasures Development Working Party has been established and is submitting its work plan." Have I read that correctly?

A. Correctly, sir.

Q. And you were ultimately put in charge of that Countermeasures Development Working Party; is that right?

A. So I've been reminded, yes.

MR. PENNOCk: Okay. Now, coming back to the definition of social costs, if we could, let me provide to you Exhibit 10 to your deposition here today. Alan?

MR. HOWARD: Thank you.

(Plaintiff's Exhibit 10 was marked for identification.)

BY MR. PENNOCK:

Q. Now, sir, I'm looking at this document which is entitled "Presentation on Social Costs/Social Values to INFOTAB Board of Directors Meeting October 31, 1983." I've read the title correctly, have I not?

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Courtesy of the Legacy Tobacco Documents Library http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. Correct.
Q. All right. Now, INFOTAB was essentially a successor to ICOSI; is that correct?
A. Absolutely correct, yes.
Q. The -- okay. Usually when people preface absolutely I think they're going to say absolutely wrong so you caught me.
Now -- and what was the -- what did this acronym INFOTAB stand for?
A. The information -- what did it stand for? Information Center for Tobacco. I can't remember now what it stood for.
Q. You've got it.
A. Information Center for Tobacco.
Q. Yes, sir. In essence, ICOSI just changed its name, is that true, or was there actually some structural revamping?
A. Anyone familiar with corporate associations will know that they are in constant

0072

change and name is one of them.
Q. All right. In any event, looking at the first page of Plaintiff's Exhibit 10 --
A. Sorry?
Q. Looking at the first page of this document.
A. First page.
Q. In the second full paragraph, the second paragraph, it reads as follows: "In the early days of ICOSI, the Social Acceptability Working Party, SAWP, identified allegations of social costs as a component of the overall social acceptability challenge to the industry." Do you see that?
A. Yes.
Q. I've read that correctly?
A. Yes, you've read that correctly.
Q. In fact, that's what you were saying earlier, that social costs was part of the social acceptability challenge, right?
A. Correct.
Q. The document continues "Specifically in an early report it was stated that" -- and I'm continuing to quote here -- "smoking is asserted to be socially unacceptable because it allegedly raises society's insurance and health care costs. Smokers

0073

are asserted to be sick more often, require more medical treatment and die earlier. They allegedly require others in society to pay higher taxes and insurance premiums to subsidize the social costs/expenses supposedly generated by smokers."
The document continues "That statement is an excellent summary of the social cost issue or issues and is as valid today as it was several years ago."
I've read that all correctly, have I not?
A. Yes, you have.
Q. So you don't have any reason to -- to disagree with the -- the statement made by -- or the definition of social costs in this document, do you?
MR. HOWARD: Objection to form. No foundation, but you can answer.

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

MR. PENNOCK: I'll withdraw it.
BY MR. PENNOCK:
Q. Mr. Corner, abiding by your counsel's objection, is there any reason that you have as you sit here today to disagree with this definition of social costs?
MR. HOWARD: Objection to form, but you can answer.

THE WITNESS: What I would say is it is not a definition of social costs. What it is, it is the assertion -- it is a description of the assertion which was made at that time as to -- as to what the issue was.
BY MR. PENNOCK:
Q. Fair enough. So in terms of the issue as I -- withdrawn.
In terms of the issue as ICOSI and later INFOTAB saw it, saw this issue, this was how it was presented to them?
A. It was --
Q. That was a terribly butchered question.
A. These were the assertions which were made in public, yes.
Q. Okay. And so in dealing with the issue of social costs, it appears that ICOSI was using this as the operating definition for the allegation of social costs.
MR. HOWARD: Objection to the form, but go ahead.
THE WITNESS: As I -- well as I -- as I recollect, the whole object of the exercise was to try and investigate it and see -- see what the facts were.
BY MR. PENNOCK:

Q. Okay. But this was the allegation that ICOSI made?
A. This was the assertion which was made.
Q. All right.
A. As I remember it.
Q. Now, in May of 1979 there was a meeting in Zurich of ICOSI and SAWP. Do you remember that? Fear not, I'll have a document to help you out, if you don't. Let me pull that out.
MR. HOWARD: While you're doing that I just want to see if I can get ahold of a stapler because we're going to start losing pages to the exhibits.
MR. PENNOCK: That's a good idea. Let's go off the record.
MR. HOWARD: Camera is still rolling. I can do this on the record. This was seven. Can you give me those just so I know whether -- there was a cover page to this, I think. It's part of this. Hold on. One, two, three. Here we go. That's what it was from. I've got it.
MR. PENNOCK: Would you mark the time, please?
THE REPORTER: Sure. 11:50 a.m.
MR. HOWARD: Do you have another copy of

Exhibit 11?
MR. PENNOCK: I think so. Hold on a

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf
Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

second. Alan, here you are. I'm sorry.
MR. HOWARD: Thank you.
MR. PENNOCK: 12. Alan, this is 12.
(Plaintiff's Exhibits 11 and 12 were marked for identification.)
BY MR. PENNOCK:
Q. Sir, I've given you what we've marked as Plaintiff's Exhibit 11 and 12 and if I may identify them for the record. Exhibit No. 11 is titled "ICOSI-SAWP National Association Meeting-Zurich, May 20-23, 1979." It bears Bates numbers 2015049258 through 2015049271.
Exhibit No. 12 is a letter from J. Hantuck -- have I pronounced that --
A. Hartogh.
Q. Hartogh.
A. He's a Dutchman.
Q. Hartogh. Dated May 15, 1979. The reference, it appears at the top of the letter, is ICOSI Task Force - Coverage of Fourth World Conference on Smoking and Health-ICOSI Background Briefing Papers. It bears Bates number T, as in Tom, I, M, as in Mary, N, as in Nancy, 449458 through 449459.

0077

Now, actually I would like to look at Exhibit 12 first, if we might.
A. Sure.
Q. It appears that at this -- at this time in May of 1979 we were -- you were coming up on a conference in Zurich of ICOSI and SAWP, right?
A. Yes.
Q. And this was one of those meetings that ICOSI would hold periodically that we were talking about earlier; is that right?
A. This was -- I think this was a different meeting. This was a meeting with the National Manufacturers' Association.
Q. Okay. So this meeting wasn't just ICOSI and SAWP, but, in fact, it would have representatives of the different national manufacturing associations around the world?
A. That's correct. The mandate of the association to provide a forum for the National Manufacturers' Association.
Q. So this would be one of the instances when, I think you mentioned earlier, that one of the means of communicating to the member companies and the National Manufacturers' Associations was to have meetings at which they would attend, right?

0078

A. Correct.
Q. Now, if you look at -- back at Exhibit 11 and go to Bates last three digits 265 -- I apologize, sir, 264, you see that it seems as though you were at this meeting because I'm looking under timing of next meeting and there's a quote attributed to you.
A. Correct.
Q. So it would appear that you attended this -- this meeting in Zurich?
A. Correct.
Q. All right. Now, going back to Exhibit 12, the letter?

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. Right.
Q. The -- this letter reads, and I quote, "We discussed arrangements at our April 20 meeting in Brussels whereby I would have in my hands by May 1st copies of the papers from Murray Senkus' sub-group so that I could forward them to all members of the task force for their approval before we reproduced them for distribution to the National Manufacturers' Associations at the Zurich meeting beginning this weekend." I've read that correctly, right?
A. Correct.
Q. So basically Mr. Hartogh was just

0079

stating there that there were some briefing papers that he wanted to have in hand to distribute, right?
A. I'm not sure what papers they are, but yes, papers.
Q. On issues that were going to be discussed at the forthcoming conference.
A. That could be -- that could be an interpretation. I'm not sure. It could be an interpretation, yes.
Q. Well, the conference took place a week later, right?
A. That's correct, that's correct.
Q. And it says up in the title of the document ICOSI Background Briefing Papers, right?
A. That's correct, that's correct.
Q. And he says he wants them for distribution to the NMA, the National Manufacturers' Associations?
A. That's correct.
Q. All right. And by the way, if you look at the second page, you were the second person CC-ed on this letter.
A. So I am, yeah.
Q. Okay. So it appears that Mr. Hartogh then goes on to list the issues addressed in the
*

0080

briefing papers. Do you see that in the second paragraph?
A. Correct.
Q. And correct me if I'm wrong, but those issues -- well, I'll just read the whole paragraph. It says, "Unfortunately, owing to a series of circumstances this has not been possible." He's -- Mr. Hartogh's saying basically he didn't get the papers in time, right?
A. Correct.
Q. He then goes on, "I have today received the enclosed papers" and he lists them. And they are "Smoking and Health, a Perspective; Smoking and Cardiovascular Disease; Smoking and Pregnancy; Smoking and Youth; Smoking and Lung Cancer," right?
A. Correct.
Q. This is May 15, 1979?
A. Correct.
Q. So these issues, then, would be -- apparently were going to be discussed at the upcoming conference a week later, right?
A. I don't know if they were going to be discussed, but from what it says here they were going

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

to be distributed as briefing papers.
Q. Okay. Well, I mean the papers would be

distributed as briefing papers, I suppose, and correct me if I'm wrong, so that the -- a discussion could take place on the papers; is that right?
A. In my recollection of these meetings, not necessarily. It was an opportunity to pass papers to the National Manufacturers' Associations for them to take with them, to be able to give them information on different issues for their use in their own national market.
Q. So you had a meeting coming up in May a week later with the National Manufacturers' Associations?
A. Right.
Q. This is your big meeting where you communicate to all the National Manufacturers' Associations about what ICOSI has learned and what's going on around the world on smoking issues, right?
A. Correct.
Q. And he has a number of papers here, Smoking and Health, Smoking and Cardiovascular Disease, and I just read them off, which he was going to hand out and you're saying that these issues would not be discussed there?
A. No, I don't think -- I'm sure. I'm sure. They were -- these were the briefing papers

which people would then take with them for their own use.
Q. Okay. So -- all right. What type of issues would they discuss? Withdrawn.
What type of issues were discussed at that meeting, do you remember?
A. It's hard -- it's hard to remember.
Q. I understand.
A. All that time. It's like ghosts from the past coming through.
Q. Well --
A. But basically the sort of things which would -- the social acceptability issue would be -- would be discussed and the aspects of it, developments of it, and the advertising issues, those sort of things which would be of help to the National Manufacturers' Association.
Q. Okay. So in May of '79, despite having a number of issues regarding smoking and health, smoking and pregnancy, smoking and youth, smoking and lung cancer, none of those issues would be discussed at this meeting?
MR. HOWARD: Objection to form.
You can answer.
THE WITNESS: In my -- in my

recollection, no.
BY MR. PENNOCK:
Q. Okay.
A. No.
Q. Instead, the meeting would concentrate on the social acceptability issues.
A. Correct.
Q. Let me turn your attention, then, to

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Exhibit 11 again. Now, this document appears to be a summary of comments made by participants at the Zurich meeting after the Zurich meeting took place; is that right?

A. That's what it looks like.

Q. All right. So in other words, somebody's job was to interview everybody -- or a large number of people that attended and see what they thought about the meeting in the hopes of having better meetings in the future, right?

A. Correct.

Q. Now, if you take a minute and look through that document, in fact, there is not a single reference to any issue involving smoking and health, smoking and cardiovascular disease, smoking and pregnancy, smoking and youth, smoking and lung cancer, is there?

0084

A. Well, I haven't read -- read all the --

Q. Yeah, it's an open question. Please go ahead and --

A. But I would -- as I've said already, at these meetings -- well, let me read through it.

MR. HOWARD: We have to change videotape. Why don't we go off record and let him have a chance to look at the document.

MR. PENNOCK: And there's an open question. Thank you.

THE VIDEOGRAPHER: We're going off the record it's 12:02 p.m. This is the end of tape number one.

(Recess taken.)

THE VIDEOGRAPHER: Back on the record. Beginning of tape two. It's 12:06 p.m. continuing the deposition of Mr. Corner. Mr. Pennock, please continue.

THE WITNESS: Sir, could you rephrase that open question again, please?

BY MR. PENNOCK:

Q. I will. Could you show me in this document where any discussion of the health issues addressed by the briefing papers occurs?

A. I cannot.

0085

Q. In fact, there isn't even a mentioning in here about the fact that these health issue papers had been handed out, is there?

A. It is not recorded there, no.

Q. Now, there are a number of other comments with respect to the meeting, right? Isn't that right?

A. Lots of comments on the meeting, yes.

Q. They interviewed on a number of issues including on the overall professional content of the meeting, right?

A. Uh-huh.

Q. They asked about logistics, right?

A. Right.

Q. Comments about specific presentations at the meeting?

A. Right.

Q. In fact, one comment at page --

Page 3 -- I'm sorry, Page 266 of this document --

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. 266.
Q. -- several of the men there made some comment about whether they should or shouldn't bring wives to these meetings, right?
A. Uh-huh.
Q. And I see you had a comment, Mr. Corner,

0086

on something in here. I think it was at 26 -- 262.
A. I made a comment about the table.
Q. Right. Page 265, you were quoted as saying, "Try to avoid large table with hollow square separating the participants." Right?
A. Right.
Q. Now, there was some mentioning and comments regarding the presentation by George Berman, though, wasn't there?
A. Yes, there was.
Q. And George Berman apparently had reported with respect to social costs, right?
A. I can't now find -- can you guide me to a page?
Q. I'm sorry, sir. It's at 262.
A. 262, right.
Q. And many -- a number of people said that Berman was -- well, here's a quote. "Berman was a high point," right? That was something that was apparently a Mr. Corbat and a Mr. Poffet had reported to you?
A. Uh-huh.
Q. And someone else said "Social costs presentation will be an excellent tool." Right?
A. Yes.

0087

MR. PENNOCK: Okay. Sir, let me show you another document, if I might. And we're up to number 13, I guess?
MR. HOWARD: Yeah.
(Plaintiff's Exhibit 13 was marked for identification.)
MR. PENNOCK: Now, this document marked as Plaintiff's Exhibit 13 is entitled "Third Report by Working Party on Social Acceptability of Smoking to the International Committee on Smoking Issues" Bates numbers 501473496 through 501473518.
BY MR. PENNOCK:
Q. Now, sir, again at any time stop me to read any portion of the document you'd like in answering my question, but if I could first direct your attention to 3512.
A. 3512.
Q. Uh-huh. Now, there's a section here in this document entitled "ICOSI Approaches to 'Social Costs' Issues Current Shape of the Issue." You see that, don't you?
A. Yes, sir.
Q. And I'll note, and you can turn back to it if you'd like, at 3498 there's a letter that apparently dates this document that we're looking at

0088

as approximately August, 1978. Do you see that?
A. Correct.
Q. All right. Now, here the document quotes someone who's described as Secretary Califano,

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

right?
A. Correct.
Q. He was the secretary of health and human resources at that time in the United States; is that right?
A. I have no idea.
Q. You don't know who Secretary Califano is?
A. No, I was living -- at that time I was living in Europe and I was not with Philip Morris. I joined Philip Morris in 1979 and I was living in Europe.
Q. Well, it appears that even before you began your tenure with ICOSI, that ICOSI was -- had some concern with respect to this "social costs" issue, doesn't it?
MR. HOWARD: Objection. No foundation.
THE WITNESS: I can't comment on it because I was nowhere near it.
BY MR. PENNOCK:
Q. Well, we're looking at the third report

0089

by SAWP to the two ICOSI, right? Right, that's the exhibit we're looking at?
A. That's correct.
Q. All right.
A. That's correct.
Q. And at Page 12 Secretary Califano is quoted as saying, and I quote, "Cigarette smoking is harmful to individuals and is a multi-million dollar public health problem for the nation."
And he goes on to apparently have said and it is quoted in this ICOSI document. "It has been established that in 1975, five to seven billion were required to treat smoking-related illnesses."
I've read that correctly, haven't I?
A. I'm sorry I haven't found where you're reading from.
MR. HOWARD: I think it says it has been estimated, not established.
MR. PENNOCK: I apologize. Let me read that over.
BY MR. PENNOCK:
Q. Sir, I'm looking at page --
A. Where are you reading from, Counsel?
Q. 3512.
A. Sorry?

0090

Q. 3512.
A. 3512, yes. From?
Q. The indented quote.
A. Indented quotes, right.
Q. The first sentence of the indented quote which is attributed to Secretary Califano is, "Cigarette smoking is harmful to individuals and is a multi-million dollar public health problem for the nation." I've read that correctly?
A. Correct.
Q. In the second paragraph, second sentence Secretary Califano is attributed to have said, "It has been estimated that in 1975 $5 to $7 billion were required to treat smoking-related illnesses." Right?
A. That is what it says.

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf
Digitized by the Internet Archive in 2014 http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. That's what it says. Now, setting aside whether or not Secretary Califano said these things and setting aside any issue as to the truth of the contents of these statements, the fact of the matter is that ICOSI at that time, according to this document, was concerned about this issue of "social costs"; isn't that right?

MR. HOWARD: Objection to form. No foundation.

BY MR. PENNOCK:

0091

Q. According -- by appearances of this document?

A. This is a -- this is a document. It is the third report. That's all I can comment on it. I -- I wasn't around, then.

Q. Well, sir, you were around for the succeeding six or seven years.

A. Yes, but as far as this document is concerned how can I comment on a document about something when I wasn't even involved with the -- with the issue or with the company?

Q. Well, my question is based upon your experience with ICOSI in the succeeding six or seven years after this document was generated, is it a fair statement that ICOSI appears, by the expression of this document, to have had some concern about social costs dating back to 1978?

MR. HOWARD: Objection to form.

THE WITNESS: I don't -- I don't see how I can -- how I can be asked to -- to comment under oath on a document before I was involved in the -- in the -- in the organization.

BY MR. PENNOCK:

Q. Well, if I could, then, just one more question on this document.

0092

A. I want to be as cooperative as I can, but I am under oath and I take that very seriously.

Q. Well, sir, I'm not suggesting that you're not being cooperative.

Let me turn to Page 3513, then.

A. Right.

Q. The first sentence under the section entitled "ICOSI Approaches to 'Social Cost' Issues." Do you see that subsection?

A. Yes, sir.

Q. All right. And the first sentence says "SAWP," that's Social Acceptability Working Party, "believes that the current shape of the issue is ominous." Do you see that?

A. Yes, sir.

Q. So would you agree with me, then, irrespective of the fact that you were not with the organization at that time, that based on your experience with the organization in the succeeding years it appears ICOSI is stating as early as 1978 that they were very concerned about social cost issues, that's all.

MR. HOWARD: Objection to form. Document speaks for itself. No foundation for this witness to answer, but you may answer.

0093

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

THE WITNESS: Well, I can -- I can -- well confirm, yes, that is -- that is what the writer of this document said in 19 -- whatever it was, 1978. Whether that is linked to what -- to what came after, I don't know. But what he's written there is obviously -- that was what the writer of this document believed to be ominous, yes.

BY MR. PENNOCK:

Q. Well, when you started with ICOSI, I think we established earlier, didn't we, in fact, social costs were a major issue for SAWP and ICOSI.

A. When I joined ICOSI, the first -- the first introduction to these issues was at the Stockholm Smoking and Health Conference in 1979. I went almost straight into that. And at that particular conference, I was then aware of the -- the accusation or the assertion that smokers caused extra costs. That was my introduction to the -- to the issue.

Q. Sir, let me -- let me ask you, when you began with ICOSI, did you feel or have an opinion one way or the other as to whether or not the issue of social costs was an ominous one?

A. I never quite understood the whole issue of social costs, to be quite honest.

0094

Q. Okay.

A. When I was exposed to it for the first time with the assertion that smokers cause extra costs because they are related to disease and off work and all this sort of thing, I go skiing at the weekend and on the slopes in Lusanne near Lusanne and everything, you know, blood wagons coming down with people who've fallen and broken their legs.

And I was thinking to myself, well that's interesting because risk is spread around. Various occupations have certain risks. And I found that the -- looking at that particular comparison, that they are -- there are certain risks which could well have extra costs related to them, but all sorts of people are exposed to them all around and that was my -- that was my feeling about this thing of extra costs because you do this, that and the other.

MR. PENNOCK: Mr. Corner, I've just handed you what we've now marked as Plaintiff's Exhibit 14. It is a document entitled "Fifth Meeting of Social Acceptability Working Party Washington, D.C. May 14-16, 1978."

(Plaintiff's Exhibit 14 was marked for identification.)

BY MR. PENNOCK:

0095

Q. I take it you weren't in attendance at that meeting; is that right?

A. 1978? No I was not.

Q. All right. And it's Bates number range 50367 through 5 -- I'm sorry 503675898 through 503675940.

A. Correct.

Q. If I could, I have one question with respect to this and if I might direct your attention to 5919.

A. 5919, right.

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. Now, again, this is a report regarding the fifth meeting of the Social Acceptability Working Party, SAWP. And I'm looking at the second in last sentence of the first paragraph under a section entitled "'Social Costs' Aspect Considerations." And that sentence reads, and correct me if I'm wrong, "It," referring to social costs, "represents the most advanced development of the social acceptability issue against smoking."

Now, sir, I've read that correctly, right?

A. You've read that correctly, yes.

Q. All right. When you -- when you came to ICOSI about a year later did you share the apparent

0096

opinion of the author of this document with respect to the significance of social accept -- of social costs?

A. Well, it's when I -- it's when I came to Philip Morris as opposed to ICOSI. I was involved with ICOSI when I came to Philip Morris, but at that world -- World Conference on Smoking and Health in Stockholm, this issue -- in fact, it was the World Conference on Smoking and Health in Stockholm and this takes us back almost 20 years.

The whole thrust of those people who were no friends of tobacco was beginning to move away from the primary health issue and the smoker to the effect of the smoker's smoking surrounding the smoker, trying to make the -- having put warning labels onto the products and people still smoking.

Then the thrust moved to try and do everything possible to make the custom of smoking unacceptable. And social cost -- social cost was -- as shown here in these documents, social costs was one of those ways of saying here, these guys are causing extra costs.

Q. Sir, so I take it at the time that you joined Philip Morris and then ICOSI you also recognized that social cost was a -- a serious issue that had to be dealt with by the company?

0097

A. There were declarations at that conference that this is one of the ways we are going to -- going to proceed.

Q. If I might, Mr. Corner, just direct your attention back to Exhibit 13.

A. Number 13?

Q. And --

MR. HOWARD: By the way, let me just note for the record, Counsel, I understand what you mentioned earlier about some of these documents were pulled from the Internet. I would object to use at trial to these versions of the documents which have some footnotes that quite frankly I don't know -- I can't understand them and I don't know whether it's pulling from the search vehicle or you know -- I'm as ignorant about the Internet as you are. I don't know what this is, but it does not appear to be a portion of the document. I'm just noting that for the record.

MR. PENNOCK: Well, at trial we'll be happy too, you know, appropriately redact the printout that's occurring at the bottom of some of these pages. I think you're right, it's the -- what it is is the

http://legacy.library.ucsf.edu/tid/dhf07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

character recognition software is printing what it has seen as well as the document, as somebody told me anyway.

BY MR. PENNOCK:

Q. Okay. Mr. Corner, again we're back to now Exhibit 13 which was the Third Report by the Social -- by the Working Party on Social Acceptability.

A. Right.

Q. Now, I understand you weren't with Philip Morris or ICOSI at that time --

A. Right.

Q. -- but I do have a question. If I look at Page 14 --

A. Right.

Q. -- now, we're back to this section entitled "ICOSI Approaches to 'Social Cost' Issues" and underneath that it says "Avenues to explore for countermeasure strategy." Do you see that?

A. Yes, sir.

Q. And we've mentioned earlier that you ultimately became the project manager for the countermeasure subcommittee, right? Is that right?

A. I became the -- for the countermeasure group, yes.

Q. Okay. Now, under the -- going further down this Page 14 in Plaintiff's Exhibit 13 there's a section "Next Steps" and the first sentence I will read. "In SAWP's opinion, the seriousness of the issue and the industry's unorganized position demand that ICOSI's approach be strong and swift."

I've read that correctly, have I not?

A. You've read that correctly.

Q. And they're referring to social costs; is that not right?

A. Yes.

Q. Now, when you joined ICOSI in 1979 about a year later, you'll agree that ICOSI continued to maintain the concern that its approach to this issue be strong and swift, right?

A. I can't say that it was in those terms. It was one of the -- it was one of the issues which was -- which was being addressed.

MR. PENNOCK: All right. Let me show you -- we're up to Exhibit 15? I've just handed Mr. Corner Exhibit 15 which is a letter by Mary Covington to Tana Wells or Tera?

THE WITNESS: Tana. Tana.

MR. PENNOCK: Tana Wells.

THE WITNESS: Tana Wells. Lake Tana in Ethiopia.

MR. PENNOCK: Dated August 29, 1979. It is Bates number 2024949346.

(Plaintiff's Exhibit 15 was marked for identification.)

BY MR. PENNOCK:

Q. Mr. Corner, this document appears to have been carbon copied to you; is that right?

A. Correct.

Q. It was also sent to J. Hartogh and

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

George Berman, right?
A. Correct.
Q. Couple of other folks, right?
A. Correct.
Q. Now, Ms. Covington was secretary general of ICOSI at that time; is that right?
A. August 29, 1979. To, from. No, this is a Philip Morris International inter-office correspondence, at the top, the heading at the top. From Mary Covington. At that time she must have been with Philip Morris.
Q. She was still with Philip Morris only? She was still with Philip Morris?
A. Correct, correct.
Q. And --
A. She took after -- when Julian Doyle disappeared she then took after the interim arrangements.

Q. Okay. And it's a -- yeah. The letterhead is Philip Morris International inter-office correspondence, One Park Avenue, New York, New York, right?
A. Correct.
Q. She notes in the third paragraph, "I think George has walked the social-cost tightrope with agility in his recommendations." Do you see that? I've read that correctly?
A. Yes, you've read that correctly.
Q. And she's referring to George Berman, right?
A. I presume so, yes. Yes, George Berman is mentioned in the first paragraph.
Q. What was she referring to when she called -- when she made this statement the social-cost tightrope, do you know?
MR. HOWARD: Objection to the form, but you can answer.
THE WITNESS: I have absolutely no idea. No idea.
BY MR. PENNOCK:
Q. And did you at that time ask her what she was referring to?
A. No, I don't -- I can't say no because I

simply can't recall. I can't recall this affair or this matter at all.
Q. In any event, it would appear, would it not, from her use of that terminology that Ms. Covington felt -- not felt, but it would appear that she's writing about a very important issue to ICOSI, right?
MR. HOWARD: Objection to the form. No foundation.
THE WITNESS: There's no -- there's no -- there's nothing in there to me which reads of importance, no.
BY MR. PENNOCK:
Q. Well, let me go back to Exhibit No. 7.
A. Yes, sir.
Q. And if you would please turn, Mr. Corner, to 7582.
A. Right.

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. Now, looking at the Paragraph G, it reads, first sentence, "Berman then presented his Social Costs/Values research proposal which was skillfully done, though somewhat theoretical." Do you see that? And it continues --
A. I see that, yes.
Q. Okay. Now, down at the bottom of that

0103

Section G, it reads, "Regarding decision on action arising from SAWP recommendations, CDD has summarized these in his memo preceding our Coordination Committee meeting last week. One point of emphasis: the commitment to the 1979 Social Costs/Values research is a total of $455,000..." Do you see that?
A. Yes, I do.
Q. Okay. Now, if I recall, the entire initial subscription amount for all seven companies to ICOSI at that -- in 1977 was about $280,000, right? 40,000 per --
A. Based on that memorandum of 40 each, yes.
Q. And so here we have in 1979 when you were with ICOSI an amount almost double the initial subscription amount.
A. Is this 1979?
Q. Yes, sir. Let me rephrase the question.
MR. HOWARD: February, 1979.
THE WITNESS: It is 1979.
MR. HOWARD: February.
THE WITNESS: Well, no. Let me --
BY MR. PENNOCK:
Q. Let me just rephrase it, sir. At this time there was a suggestion that the social

0104

cost/values research receive a financial commitment of $455,000. Is that not reflected in this document?
A. That is in that document, yes.
Q. So it appears that the social-cost tightrope was one of pretty significant concern to ICOSI back in 1979, right?
MR. HOWARD: Well, objection to the use of the word "social-cost tightrope" which has been undefined here and also object to the form of the question, but you can answer it.
THE WITNESS: Can you -- can you rephrase that question for me?
BY MR. PENNOCK:
Q. I will, Mr. Corner. Social costs/values was of, in light of this recommended figure of $455,000 in 1979, an extremely important issue for ICOSI and SAWP; is that not correct?
A. On the basis of dollar amounts, if I remember correctly, that basic subscription rate of $40,000 for the -- for the member companies was a base rate. That if, in fact, work was needed to be done then it will be decided by the board of governors and then the method of the payment of that money would then be agreed.

0105

It's not as if, you know, you're going from 40,000 to 455,000. In my recollection, that if work was required to be done on behalf of the industry

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

then estimates were put forward and then it was agreed how, in fact, that would be subscribed to by the individual companies.

Q. Sir, the point or the question is that in 1979, ICOSI was looking to commit $455,000 of its members' money towards social costs/social values. Does that not indicate to you that social costs/values when you started with Philip Morris and ICOSI was of great importance?

A. Well, that depends on -- see I -- in terms of research, if you're doing research on -- on something, these -- these can be very costly operations. How that -- how that relates, how the $455,000 relates to similar types of -- of research work I don't know in those -- in those terms, but all of us in our -- in our businesses, when you -- when commission -- when you start commissioning research, you start getting involved in -- in -- in big numbers.

(Continued on next page.)

0106

MR. PENNOCK: Can we go off the record for a minute?

MR. HOWARD: Sure.

THE VIDEOGRAPHER: I'm going off the record. It's 12:36 P.M.

(The luncheon recess was taken at 12:36 P.M.)

0107

APPEARANCES OF COUNSEL:

(P.M. SESSION)

PAUL J. PENNOCK, ESQ.

JILL MANDELL, ESQ.

ALAN B. HOWARD, ESQ.

CHRISTOPHER M. NOLAN, ESQ.

ALSO PRESENT:

http://legacy.library.ucsf.edu/tid/dhf07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

JIM WOOD, VIDEOGRAPHER

REPORTED BY:

JACQUELINE A. SCHUH, CSR

(The deposition of RICHARD CORNER was reconvened at 1:22 P.M.)

RICHARD CORNER,
having been previously duly sworn, testified further as follows:

THE VIDEOGRAPHER: Back on the record. Continuing the deposition of Mr. Richard Corner. It's 1:22 p.m. Mr. Pennock, please continue.

EXAMINATION (CONTINUING)

BY MR. PENNOCK:

Q. Mr. Corner, you ready to go?
A. Welcome back.
Q. Right. May I direct your attention for a moment to Plaintiff's Exhibit 10.
A. Yes, sir.
Q. Now, this is the Presentation on Social Costs/Social Values to the INFOTAB Board of Directors Meeting on October 31st, 1983, correct?
A. Correct, sir.
Q. All right. Reviewing this document, Mr. Corner, would you agree with me that by October 31st, 1983 INFOTAB was in the process of or had developed a number of avenues with which to address the social costs/values issue?
A. Without having read the document, I simply cannot answer that question.
Q. Well, please take a moment and look at it. I can walk you through it, if you'd like.
A. Please.
Q. Okay. Well, the document at Page 2 -- I'm sorry, going back to Page 1, the bottom, it says that "During 1979 SAWP was asked to focus special efforts on social costs." Do you see that?
A. Yes, sir.
Q. And a working group was formed, right?
A. Uh-huh.
Q. And they engaged various consultants; isn't that right?
A. Correct.
Q. These included Peter Berger from -- a sociologist from Rutgers, right?
A. Right, sir.
Q. Included Sherwin Feinhandler, a cultural anthropologist?
A. Right.
Q. Included Robert Tollison from Virgina Polytech, right?

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf
Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

0110
A. Right.
Q. So these people were all hired by ICOSI to deal with this issue; is that correct?
A. Correct.
Q. And it goes on to discuss the production of the chapters one and two of a social cost/social values manual, right?
A. It doesn't --
Q. Down at the bottom of Page 2?
A. Oh, chapter one and two what was to be a manual, yes.
Q. And also, if you turn to Page 3 it talks about that in May of 1981 as a result of the workers group -- working group's efforts, the Wharton Applied Research Center at the University of Pennsylvania hosted a conference on the application of cost-benefit analysis to consumer policy. Do you see that?
A. Correct, yeah.
Q. Short of going through each and every page with those things listed, is it a fair statement that by this time ICOSI was directing its attention to the social costs and values issue in a number of different ways?
A. I think what they were doing with the -- with the aid of consultants and the working party,
0111
yes, what I read here. In fact, they were -- they were investigating -- they were investigating the issue, yeah.
Q. And by the way, by this time they were working fairly closely with The Tobacco Institute; is that correct?
A. That I wouldn't know.
Q. Well, let me just turn your attention --
A. Please.
Q. -- to Page 5. At the bottom of the page it says "The Tobacco Institute has been very enthusiastic about the Solomon work." Do you see that statement?
A. Yes, I do.
Q. All right. Could you tell us, please, what The Tobacco Institute?
A. The Tobacco Institute is the National Manufacturers' Association in the United States.
Q. In the United States?
A. Uh-huh.
Q. Now, if you look at Page 8 of this document --
A. Page 8?
Q. Yes. Before I direct your attention to that, by way of background, there had been an effort
0112
afoot in ICOSI at this time to have a book completed that essentially compiled a great deal of information on the social costs/values issue. Do you remember that?
MR. HOWARD: Objection.
BY MR. PENNOCK:
Q. It was called the monograph?
MR. HOWARD: Objection to the form, but you can answer.
BY MR. PENNOCK:

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. All right. Well, I'll rephrase it.
Sir, going back to Page 7 of the document, top of the page, "Our final project and by far the most ambitious one is a proposed monograph (or possibly a book) tentatively titled 'Smoking in Society.' The monograph would serve as a vehicle to bring together material by experts on a variety of relevant and related topics under the supervision of an editor."
Does that refresh your recollection at all, sir?
A. I think I do remember something about --
Q. All right.
A. -- a book of smoking in society, but I've -- I can't -- more than that I'm afraid I can't

0113

remember.
Q. It's all right, Mr. Corner. I just wanted to point out that The Tobacco Institute was, in fact, working closely with ICOSI on that project; isn't that true?
MR. HOWARD: Objection to the form. No foundation.
BY MR. PENNOCK:
Q. Well, let's look at Page 8, if we might.
A. Oh, eight.
Q. The third full -- the third paragraph on the page.
A. Yeah.
Q. It says "The cost of completing the monograph is estimated to be $114,000. I am pleased to report that due to their interest in this project, The Tobacco Institute has agreed to contribute 50 percent of the amount."
A. Uh-huh.
Q. So it appears that someone was working with The Tobacco Institute on this project from ICOSI; is that correct?
A. I don't interpret that from there. What -- what I do interpret is they agreed to pay 50 percent of the -- of the 114,000.

0114

Q. Okay. Now, The Tobacco Institute -- do you the recall The Tobacco Institute ever providing any materials to ICOSI regarding the social cost issue?
A. I do not recall such, no.
Q. You don't recall any analyses done by The Tobacco Institute on that issue?
A. No, I do not.
MR. PENNOCK: May I show you, sir, what's being marked as Plaintiff's Exhibit 16? Excuse me, Alan, might I have that stapler?
MR. HOWARD: You certainly may.
(Plaintiff's Exhibit 16 was marked for identification.)
MR. PENNOCK: Will you initial that, please, Ms. Reporter?
MR. HOWARD: Matter of fact, I will yield to you the stapling duties for the afternOon.
BY MR. PENNOCK:
Q. All right. Sir, I've shown you Plaintiff's Exhibit 16 which is a document on The

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Tobacco Institute letterhead. It's a letter dated April 10, 1985 and it bears Bates numbers -- it along with its attachments bears Bates numbers 521048122 through 521048127.

Now, if I might direct your attention to the tables on Pages 124 through 127.

A. Yes, sir.

Q. Now, it appears that The Tobacco Institute has compiled some data that is pretty specific with respect to social and health care costs alleged to have been caused by smoking, doesn't it?

MR. HOWARD: Objection on form. No foundation.

THE WITNESS: I see a table full of figures, but exactly, you know, what it's from and for, I can't interpret that.

BY MR. PENNOCK:

Q. You can't interpret this? You've not seen this document before?

A. No.

Q. Had you ever seen any document like it at ICOSI?

A. No.

Q. You see where this document appears to set forth the costs of cancers, don't you?

MR. HOWARD: Objection to form. The document speaks for itself. No foundation for this witness.

THE WITNESS: I see it lists cancers, hospital care, physicians' service, nursing home, drugs 677 as opposed to 968 treating cancer. Yes, I see -- I see what they've written down here, yes.

BY MR. PENNOCK:

Q. Well, sir, maybe a more general question would be appropriate, then. By this time period, it's fair to say that the industry in which you were employed had already endeavored to obtain as much specific information that they could regarding the social costs issue with which they had been confronted; isn't that fair to say?

MR. HOWARD: Objection to form.

You can answer.

THE WITNESS: Yes. Well, as part of the work of the Social Acceptability Working Party of ICOSI, the project was continuing to -- to examine the whole area. Amongst those appear to be some figures supplied by The Tobacco Institute in April of 1985.

MR. PENNOCK: Let's -- let me mark a number of exhibits here and see if I can just have a question or two answered with respect to them. We're up to number --

MS. MANDELL: 17.

MR. PENNOCK: Mr. Corner, if you don't mind I'll -- I'll hand these to you --

THE WITNESS: Please.

MR. PENNOCK: -- as I mark them and give you a chance to look those over. Alan, I'm sorry. I have a copy for you.

MR. HOWARD: Do you have a copy of 17?

THE WITNESS: Yes, I've got 17 here.

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

MR. HOWARD: No.
THE WITNESS: Oh, sorry.
MR. HOWARD: No, I mean him.
MR. PENNOCK: Yeah, I do. Do you have an exhibit tab?
THE REPORTER: Do I? No, but --
MR. PENNOCK: Oh, I have some here.
THE REPORTER: Okay.
MR. HOWARD: I've only got up through 20.
MR. NOLAN: This is pretty much stapled together here.
MR. PENNOCK: I have a copy for you.
MR. NOLAN: You've got two exhibit tabs there.
MR. PENNOCK: Let's make this 19A. Can you hand me 19 there for a minute, please?
THE REPORTER. Sure.
MR. PENNOCK: 19A. Thanks, Chris.

0118

MR. HOWARD: That one that's in your hand, that's the one I marked. That's our copy. Thanks. And 19B do you have a copy of?
MR. PENNOCK: There is no 19B. There's 19 and 19A.
MR. HOWARD: 19A.
MR. PENNOCK: I seem to have lost my copy along the way here.
MS. MANDELL: Is this 19?
MR. PENNOCK: Yeah. I don't want to get that messed up.
THE WITNESS: It's very difficult to read 19A. I can't say I've digested them all, but I've been -- I've glanced through them, but if I have questions of these, I trust you'll allow me to read further.
(Plaintiffs' Exhibits 17 through 21 were marked for identification.)
BY MR. PENNOCK:
Q. We won't accuse you of being Evelyn Wood, then, I guess.
Mr. Corner, turning to Exhibit No. 17, this is a memo dated July 20th, 1982, right?
A. Correct.
Q. And it was sent to you, among others,

0119

right?
A. Among others, correct.
Q. If you look at Bates number -- bear with me a moment, please. If you look at page 3850 --
A. Right.
Q. I'm sorry -- yeah, 3850. In Paragraph No. 9 of the memo, again, we have a discussion here about the social cost allegation, don't we -- or not a discussion, a mentioning of it?
A. In Paragraph No. 9, workshop?
Q. Yeah, the third point down.
A. Yes, correct.
Q. There's a reference to Alan Woodfield, right?
A. Right.
Q. And he was on outside consultant hired by ICOSI, right?

http://legacy.library.ucsf.edu/tid/dhc37a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. That I do not recall.
Q. Do not recall that? In any event, your -- this is a memo in 1982 mentioning social costs.
A. Correct.
Q. And the other exhibits I've passed on to you, Exhibit 18 and we'll talk about them all specifically for a minute or two, but Exhibit 18, 19,

0120

20 and 21, they all mention or deal in some way with the issue of social costs, correct, as a general statement?
A. Number 19 is strange because it says there's an article attached, but it's not attached. "Further to my memo of the file of October 28, enclosed please find translations of the newspaper articles on this subject," and it's just a blank sheet.
Q. Well, the article wasn't -- I'll represent for the record, the article was not included in the location where we obtained this document.
In any event, the documents all refer or relate in some way to social costs, as a general statement and then we can move on to more specifics.
MR. HOWARD: Object to form.
THE WITNESS: I would have thought number 19A refers more to the issue of passive smoking.
BY MR. PENNOCK:
Q. Well, the issue -- okay. So you're taking exception to 19A and we'll deal with that.
A. Well, I just -- I just only having seen it now for the first time since 1982, it deals with the passive smoking thing.

0121

Q. We'll address 19A separately, then.
A. I'm saying that just to be absolutely clear.
Q. Certainly you'll agree with me that the issue of social costs was one which continued to be an issue for Philip Morris and ICOSI throughout the 1980's. Is that an unfair statement?
A. Well, based on the documents that I have before me and the one final one, number 21, I don't think it has anything to do with ICOSI at all. I don't see any -- any -- any connection to -- to ICOSI.
Q. With respect to Exhibit 21, do you have any familiarity with the hearing that apparently was going to occur regarding social costs?
A. Absolutely none at all.
Q. Now, coming back to Exhibit 19 that you mentioned and 19A, there was a decision in 1983 in Sweden regarding compensation for a woman for injuries due or allegedly due to passive smoking, right?
A. Passive smoking court decision, yes.
Q. Now, let me summarize, if I might, and you can correct me, but in essence a Swedish workers' compensation court had granted this woman compensation for lung cancer because they found that she contracted or she was caused to sustain lung cancer from passive

0122

cigarette smoke. That's what the finding of the court was, right?

http://legacy.library.ucsf.edu/tid/dhf37a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. That's correct.
Q. And you endeavored to collect some information regarding this decision and the potential for appeal of the decision and success of the appeal. Is that a reasonable summary?
A. Well, I don't know because I really can't -- I really can't read from what is here, but the -- I think -- I think it's right to say the concern in this particular case was that it was a decision taken not based on scientific evidence.
It was the -- it was the -- this is the -- the passive smoking, contracting lung cancer from passive smoking, I think that was the -- although it's difficult to confirm that because quite frankly I find it difficult to read the text here.
Q. Well, the decision did not in any way obligate Philip Morris or any other tobacco company to pay money, did it, do you remember?
A. Sorry, could you rephrase that?
Q. Yeah. The decision did not order Philip Morris or any other tobacco company to pay money to this woman, right?
A. No, but the point is -- the point is

0123

that this is a -- this is a court decision based on their reading of scientific evidence with which there was considerable disagreement at that particular time and that, passive smoking, is one of the areas of the social acceptability problem.
Q. So, Mr. Corner, is it -- is it your testimony that at that time you had no concern that if courts were going to order government insurance companies to pay money for smoking-related illness, that at some point the companies themselves might be turned to to pay money for the costs associated with smoking-related illness?
MR. HOWARD: Objection to form.
You can answer.
THE WITNESS: I don't recall. I don't recall that. I think one of the -- on insurance, one of the -- living in Europe all of the time, one of the places where insurance comes from is not private insurance, it is government insurance which is -- which is funded by taxpayers' money. But I am -- I am -- as I look at this again here, I am reasonably confident that the reason I was -- I had written this memorandum was on the aspects of a judgment based on the passive smoking.
BY MR. PENNOCK:

0124

Q. Okay. Very good. Let me turn then to the topic of the Countermeasures Working Group. Now, I think we discussed very briefly earlier that the Countermeasures Working Group was more or less a subcommittee of ICOSI.
A. It was a working party of ICOSI, yes.
MR. PENNOCK: Okay. We're up to Exhibit 22, I guess?
THE WITNESS: Yes, 21 is the last one I have here.
MR. PENNOCK: Sir, I'm giving you what's now marked as Plaintiff's Exhibit 22.
(Plaintiff's Exhibit 22 was marked for

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

identification.)
BY MR. PENNOCK:
Q. It is -- it's a memorandum authored by you; is that right?
A. Yes, sir.
Q. Okay. It bears Bates numbers 2015049274 through 2015049282.
A. Correct.
Q. Now, can you determine for me, sir, what the date of this memorandum is? I must admit, I could not -- I think there's a typographical error in the date. Is that the date up there in the top of the

0125

memo?
A. It makes me a very old man indeed.
Q. It does.
A. All I --
Q. Is it likely that it's 1979?
A. Well, all I can suggest since it refers to a meeting of September '79 and that is 29th of August, the likelihood is that it is '79.
Q. Okay. I just accident want to pre-suppose that. Now, if you look at Page 277, you note, and I quote, "In 1980 there should be two major activities. Countermeasures developed from the social cost study and the subject of a workshop meeting with" -- and that's apparently -- well, there's no name there, "...with associations in the first half of the year, and the already proposed passive smoking seminar which should take place towards the end of the year."
I guess those -- those hyphens in the memo here that we're looking at were just inserted by you in terms of the structure of the memo?
A. No, I think because if you look up higher the first two lines of Paragraph 3.4, the lines going on -- this, in fact, is not a memo, this is a telex.

0126

Q. I see.
A. This was now what is now the steam form of communications, but that was what we were using at the time.
Q. All right.
A. And I think that's part of the reproduction by the telex machine, I would suggest.
Q. Okay. I get it. Now, in any event, in 19 -- you were suggesting that in the upcoming year, 1980, there should be two major activities for your SAWP countermeasures subcommittee, right? And one of those was countermeasures developed from the social cost study. Do you see that?
A. That is correct. It is not -- this is the group decision. It was therefore decided that. This is the -- obviously the decision of the -- whichever meeting this was, but yes, certainly, yes, two -- two -- what it says there, two -- two major activities, yes.
Q. Now, the purpose of the countermeasures subcommittee was what?
A. Well, it's -- the best analogy I can give is that the Social Acceptability Working Party generated -- generated information and the -- the

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

countermeasures subcommittee or the countermeasures
0127
task force disseminated that information, disseminated the work. And so the -- the object of the exercise for countermeasures was to -- was to disseminate information, yeah.
Q. Well, you were also -- you also described the committee as being an action group, though, right?
A. Sure.
Q. So I guess you went a little beyond just passing out brochures or -- or briefing papers, didn't you?
A. The committee as such would take no action on its own. It would be passing information or action plans and suggestions to the National Manufacturers' Association which was the -- which was the raison d'etre of the organization of ICOSI.
Q. So in addition to disseminating whatever information might have come your way or you might have collected you would also develop action plans that you --
A. Suggested action plans, yes.
Q. And what exactly is an action plan?
A. What is an action plan?
Q. Uh-huh.
A. Related -- related to this -- to this
0128
memorandum here, quite frankly I can remember no action plan that we distributed for social cost.
Q. Okay. Well, you -- certainly you were charged with the responsibility of developing action plans?
A. That is true.
Q. Okay.
A. That is true.
Q. And in fact, at 274, the first page of this exhibit at Paragraph 2.1 -- actually, Paragraph 2 says "Objectives of the Subcommittee." Paragraph 2.1 "To prepare proposals for an action plan to develop social acceptability countermeasures that can be used by the National Manufacturers' Association," right?
A. That's what it says, yes.
Q. Okay. Now, there had been efforts prior to your coming on board to develop countermeasures by ICOSI, right?
A. We saw that in an earlier memorandum,
Q. Right.
A. Correct.
Q. And is it correct to say that at this juncture in ICOSI's history, they wanted a more focused effort on the countermeasure aspect of their -- or of the responsibilities that ICOSI had?
0129
A. I -- my answer to that would be that whereas the Social Acceptability Working Party was generating -- generating from studies and everything, in order to be able to support the National Manufacturers' Associations around the world, yes, action -- suggestions for action would obviously help them.
MR. PENNOCK: Let me show you, if I could, Exhibit 23. For the record, Plaintiffs'

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Exhibit 23 appears to be a -- a memo by Mr. Corner to Mary Covington, CC to some other persons and parties. It bears Bates number 2024949344.

(Plaintiffs' Exhibit 23 was marked for identification.)

BY MR. PENNOCK:

Q. Now, this is a memorandum that you drafted; is that correct, Mr. Corner?

A. Yes.

Q. It's dated -- somebody had a pension for typing the wrong years, but it appears to be maybe August 6, 19 --

A. It's the automatic date setting on the telex machine, I would suggest.

Q. -- 82? Okay. So this was a telex also?

A. This, I think, judging by the -- it's

0130

incredible looking at documents that you haven't -- you've totally forgotten, haven't seen in 20 years, but yes, that has a look of a telex.

Q. Okay. May I inquire, Mr. Corner? May I ask some questions or do you like to take a moment to read?

A. May I read it? You really need a pair of binoculars.

Q. Yes.

A. I'm trying to read the last paragraph. Well, I've tried to read it, sir.

Q. Now, that last paragraph references something about background briefing papers, right? Do you see that?

A. Yes, I do.

Q. Okay. Are those along the lines of the briefing papers we spoke of earlier involving smoking and health, smoking and youth, smoking and pregnancy? Do you remember those we mentioned?

A. Yes.

Q. Is that the type of briefing paper you're referring to there?

A. I don't -- I don't know, but background briefing papers like all trade associations you produce briefing papers on different subjects and that

0131

would have ben a briefing paper presumably from the -- on this particular subject here, yeah.

Q. Well, this particular telex also relates to social cost, right? It starts out "Further to the question of social cost that is being looked into on behalf of French Importers Association which I mentioned at the SAWP meeting" --

A. Uh-huh.

Q. So this particular telex deals with social cost, right?

A. Uh-huh.

Q. And you are apparently giving some -- some brief thoughts as to the dealing with the social cost issue, right?

A. Correct.

Q. You note the -- some things that were appearing in the press at that time that you seem to feel needed to be addressed, correct? And that's at the first paragraph.

A. Yes, I think -- I think that this would

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Digitized by the Tobacco Industry Documents Library. http://www.industrydocuments.ucsf.edu/docs/ssxl0001

have been an example of the trade association at work because I would -- I cannot guarantee at this late stage now, this probably was brought to our attention by the National Manufacturers' -- National Tobacco Manufacturers' Association in -- in France, would who

would have sent the -- sent the newspaper cutting or whatever and said can you, can you comment on this, please.

Q. Okay. Very good and the newspaper cutting they sent dealt with the medical cost of smoking and I'll quote from your memo. It says, "The medical cost of smoking in 19" -- well, let me back up and withdraw that.

I'll read this whole paragraph you wrote number one, "They need to be able to address the following statement that has been widely quoted in the press and which was a reply by a Monsieur Maurice" and I can't read the last name.

A. Nor can I.

Q. And it goes on to say "The medical cost of smoking in 1978 can be estimated to have been 6.5 billion francs." I understand you're not claiming that, that's what was printed in the press, right?

A. Well, this is a statement made in the French Parliament by -- by this guy in answer to a question from a deputy. That would have been a question asked in the -- in the French Parliament.

Q. And it then goes on to say "This overall figure represents" -- could you tell me or are you able to read what that next term is? It looks like

six something with a fraction. Are you able to discern that?

A. Not very clearly.

Q. Okay. In any event, Mr. Corner, in this memo at Paragraph 1 you're recounting what has been reported on in the press on allegations of social cost right? In France, correct?

A. If I -- as I interpret this, this was -- we had received in ICOSI -- what's the date of it? We don't know. All right. In Philip Morris or in ICOSI I had received a -- I think this must be a request for -- for help for information from the National Manufacturers' Association, but it wasn't National Manufacturers' because in France it's a monopoly, it's SATO, the monopoly. This would have been the -- the European Community Manufacturers' Association in France where there had been this quote in the newspaper and they obviously said what can you comment on this.

Q. Okay. And you were stating to Ms. Covington at Paragraph 4 that any further -- this is a quote. "Any further information and argumentation George" -- I suppose that's George Berman?

A. Presumably.

Q. "George has showing why you cannot link smoking to the idea it is a cost to society." Right, so --

A. Right.

Q. -- you're looking for additional

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

information to deal with this statement in the press, right?
A. That's right.
Q. And this was part of your countermeasures duties, at that time?
A. I don't think so. I think this was part of the ordinance memo.
Q. And the 6.5 billion francs allegedly dealt with medical costs of cancer and heart disease and other illnesses that had allegedly been attributed to smoking, right?
A. I can't say that. That was -- that comes from a quote from a paper. What it includes, I don't know.
Q. Is that a reasonable thing to surmise that someone was alleging that 6.5 billion francs were being spent and is it reasonable to surmise they're talking about alleged illnesses from smoking like cancer, emphysema, heart disease?
MR. HOWARD: Objection to form.

0135

You can answer.
BY MR. PENNOCK:
Q. I'll rephrase it.
Sir, my question is, that number, 6.5 billion francs, is a pretty significant one, right?
MR. HOWARD: Objection to the form.
You can answer.
THE WITNESS: Well, related -- related to -- related to what?
BY MR. PENNOCK:
Q. No, no, no. Sir, it's a lot -- it was a lot of money in the early 1980's, right?
A. Well, the gross domestic product to France was a lot of money, too.
Q. Okay. All I'm asking you is that that figure in and of itself, whatever it relates to, was a significant sum of money at that time?
A. It's a large sum of money.
Q. Okay. So is it fair to surmise that if they're talking about -- or if they're alleging that in France the medical cost of smoking is $6.5 billion -- or 6.5 billion francs, they were talking about something more than treating the common cold, they're talking about significant illnesses that they

0136

are attributing to smoking at that time? And I understand you're not adopting that.
MR. HOWARD: I'm going object to form, but you can answer.
THE WITNESS: It's -- it's -- it's difficult when they just quote figures like that to know what in -- how have they come to -- how have they come to that figure. But it is a -- it will be about $1.1 billion.
BY MR. PENNOCK:
Q. Okay.
A. In current terms.
Q. So in this memo, you've given an example of how to deal with the allegation that in France they had spent 6.5 billion francs in one year on smoking, right?

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. Sorry?
Q. To give you an example.
A. Could you -- sorry. I didn't understand the question.
Q. I'll rephrase it.
A. Please.
Q. Sure. In this memorandum we're looking at, you give an example of how to address the alleged 6.5 billion francs that had been spent on smoking in

0137

France in 1978, one example, right?
A. I don't -- I don't see an example.
Q. Okay. Well, if I could just direct your attention to Paragraph 4 quote -- and I have read this earlier. "Any further information and argumentation George has showing why you cannot link smoking to the idea it is a cost to society. For example, France a good example would be what is the social cost of holidays." Do you see that?
A. Yes.
Q. Okay. So that was one example that you thought might be utilized to argue against this assertion that smoking was somehow costing society. That was one example you were giving, right?
MR. HOWARD: Objection to form.
BY MR. PENNOCK:
Q. It's one example here in your memo, correct?
A. It's not an argument against, it is a -- sort of a parallel because what is the social cost of holidays? If you close down the country in July and August, which the French have resolutely done, that is a huge cost to society and it's -- it's a -- it's not an alternative, it's just an example. The social cost of strikes.

0138

Back in these days here, France was absolutely in the -- up the creek without a paddle, so was Italy and the place -- the whole place was on strike all the time and they -- what I -- the examples I gave here were sort of parallels in a way. What is the social cost of striking?
Q. Fair enough. So you were -- you were here just giving an example -- you were giving a parallel situation to the allegation that smoking was costing society money and one of the parallels you were drawing was that there's cost to holidays as well?
A. Yes.
Q. Oh, is that right?
A. Well, there are all sort of costs. There are all sorts of costs.
MR. PENNOCK: All right. Now, if I could have this exhibit marked, please. What number are we up to?
MS. MANDELL: 24.
MR. PENNOCK: I have handed Mr. Corner a -- appears to be a telex to Dennis Durden from Martin Mulholland dated February 29, 1979 bearing Bates number 500876959.
MR. HOWARD: I guess their telex machine

0139

had the appropriate dates on it.

http://legacy.library.ucsf.edu/tid/dhf37a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

(Plaintiffs' Exhibit 24 was marked for identification.)

BY MR. PENNOCK:

Q. Mr. Corner --

A. Yes, sir.

Q. -- may I inquire? Sir, now, does it appear in this telex that Mr. Mulholland -- do you know who Mr. Mulholland was by the way?

A. Yes, Mr. -- Martin Mulholland, he's the Gallaher Company, the British Gallaher Tobacco Company.

Q. You worked with him at ICOSI?

A. He was the representative at that time for Gallaher, one of the constituent members of the -- from the United Kingdom one of the constituent members of the organization, of the association.

Q. And he's -- he writes in the first paragraph, and I quote, "We discussed draft executive meeting" -- "draft executive minutes at interim office on February 27th and I will be amending them to improve the wording on Paragraph A of the first decision cluster as Bill Murray feels that the wording of the new key element of number three of SAWP's charter could be interpreted as too restrictive with

0140

new countermeasures only being based on past results and experience."

I've read that correctly?

A. Correct.

Q. All right. Now, Mr. Mulholland seems to -- let me withdraw.

Did you understand when -- when you came on board with ICOSI that ICOSI wanted to develop countermeasures that were new and different from ones they had previously been utilizing?

MR. HOWARD: Objection to form. No foundation.

Go ahead.

THE WITNESS: I have no recollection of that.

BY MR. PENNOCK:

Q. So do you understand the statement that's being made in the first paragraph?

A. I knew Martin Mulholland well, quite often I could never understand what he was talking about anyway, but I don't -- there's -- obviously -- obviously he has written something in the -- I don't know. I don't know. I really don't know.

Q. Mr. Corner, I mean if you look down at the third paragraph, or actually I guess it's the

0141

fourth paragraph, the sentence that begins "My reason" -- let me begin the whole paragraph. It starts off "Gwynn Hargrove." Do you see that?

A. Yes.

Q. It says "Gwynn Hargrove and Christian Vogel also mentioned that at the executive meeting the use of outside consultants to help SAWP develop existing and new countermeasures was suggested. Although I had not minuted that specific point. My reason for not doing so was that I felt the executive committee gave you," meaning Dennis Durden, "a very free hand to develop these countermeasures by whatever

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

method you thought most effective."
I've read that correctly, I think?
A. Correct. Yes, correct.
Q. All right. So it -- you agree with me that there seemed to be some issue between Mr. Durden and Mr. Mulholland as to how -- or as to what type of countermeasures Mr. Durden could pursue?
A. I don't interpret it like that.
Q. No? Okay. Did anyone ever discuss with you when you came on board with ICOSI that they thought the old countermeasures were "too restrictive"?
A. No.

Q. Let me --
MR. HOWARD: Off the record.
MR. PENNOCK: Yes, sir.
THE VIDEOGRAPHER: We're going off record. It's 2:15 p.m.
(Recess taken)
THE VIDEOGRAPHER: We're back on the record. It's 2:26 p.m. continuing the deposition of Mr. Corner. Mr. Pennock, please continue.
MR. PENNOCK: Mr. Corner, I've given you what's been marked as Plaintiffs' 25. For the record, it's a document which is entitled "Confidential Social Costs Social Values." It bears Bates numbers 502121623 through 502121709.
(Plaintiffs' Exhibit 25 was marked for identification.)
BY MR. PENNOCK:
Q. Sir, you've had occasion to see this document before, right?
A. I must be absolutely honest and say I must have been given this document I presume because I was heavily involved, but I really have no recollection of it at all.
Q. Well, let me see if we can refresh your recollection a little bit. If we go back to

Plaintiff's Exhibit 10.
A. Which one?
Q. Plaintiff's Exhibit 10.
A. Ten.
Q. Now, this document contains two chapters and if you look at Exhibit 10, which referring to the -- to Exhibit 25 it says, and I quote, "Two of the early activities of the working party were the production of chapters one and two of what has been" -- "or what was to have been a social cost/social values manual. Chapter one examined the economics issues that arise from the social cost arguments and covered topics such as cost benefit analysis, premature death, absenteeism and medical expenses."
By the way, chapter one, that was written by George Berman, right? That was the work he was hired to do. Do you remember that?
A. Very hazy, I'm afraid. It's not -- it's not indicated here as to who wrote what.
Q. Okay. This Exhibit 10 goes on to say "Chapter two was entitled 'The Social Role of Smoking.' This is the work prepared by Professor

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Courtesy of http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Feinhandler." Do you remember Professor Feinhandler?
A. The name only.

Q. Okay. Continuing to read from Exhibit 10 "This chapter presented the positive role that smoking plays in people's lives and also examined informal rules of smoking behavior in contrast to regulation and social conflict."
Now, sir, were you -- if you could, just take a look at Exhibit 10, Page 3.
A. Right, I'm looking at it now.
Q. You see where it says "Both of these chapters were provided to the NMAs"? That's the National Manufacturers' Association, right?
A. That's correct.
Q. "Both of these chapters were provided to NMAs for their local tailoring and practical application."
A. Yes.
Q. And it says, "This work represented fundamental research which was necessary for our own knowledge of the issues and as a departure point for further investigation."
A. Right.
Q. Okay. Now, it appears this was a pretty substantial work product of ICOSI's activities, doesn't it?
A. Of the Social Acceptability --

Q. Sure?
A. Social Acceptability Working Party, yes.
Q. Of SAWP?
A. Of SAWP.
MR. PENNOCK: Now, this -- let me just show you, here's a -- I'll mark the letter as number 26. For the record this is a letter from George Berman to SAWP dated May 13, 1980.
MR. HOWARD: Do you have a copy of it?
MR. PENNOCK: Oh, sorry.
MR. HOWARD: Thanks.
MR. PENNOCK: Now, this letter bears Bates number 2501022052.
(Plaintiffs' Exhibit 26 was marked for identification.)
BY MR. PENNOCK:
Q. Now, Mr. Corner, this letter is addressed to SAWP, which is generally SAWP, correct?
A. Correct.
Q. And it says "Subject: Social Role of Smoking," right?
A. Correct.
Q. And the letter reads from Mr. Berman "A final report of chapter two is enclosed for your review. An issues index has been added along with a

few changes resulting from our project team meeting. We will request your decision at the June SAWP meeting to distribute the chapter."
Now, it appears he's -- he's referring to the distribution of the chapter to the NMAs that had been referenced in Exhibit 10; is that correct?
A. That is -- I would agree with that, yes.
Q. All right. And while it was addressed

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

generally to SAWP, the distribution list contains, let's see, about nine or ten names, right?
A. Correct. Those are the names of the advisory group, one representative from each of the companies.
Q. Okay.
A. Who were sitting on the advisory group.
Q. Sitting on the advisory group. And the first person on the distribution list is you?
A. Because it's in alphabetical order.
Q. Okay. But and you're the first person on the --
A. Correct.
Q. -- distribution list, right? And so it was sent for review by the advisory group, correct?
A. Correct.
Q. All right. And the intent Mr. Berman

0147

here was to let you folks take a look at it and decide if it was, indeed, final and could be distributed, right?
A. According to his handwriting on it, it was first going to be presented to the board meeting on May 29, before and presume -- I don't know. The -- he has written that handwritten note to me where it was going to be presented at the ICOSI board meeting on May 29.
Q. And he said that Mary -- he says that Mary, probably referring to Mary Covington, right?
A. Probably, yes.
Q. That Mary would like you to bring it to Jule's attention with some emphasis on the issues index. Do you see that?
A. Yes.
Q. Okay. So he had presented this to you and others for your review and if you deemed it necessary comment, right?
A. Correct.
Q. Okay. And, in fact, with respect to you, at least, he had a specific request regarding a review that he wanted you to engage in with Julian -- I'm sorry, with Jules. Who was Jules?
A. Jules Hartogh.

0148

Q. Jules Hartogh.
A. Who was my boss, the Dutchman.
Q. Right. So generally he asked everyone including you to review it and he specifically asked you to look at this issues index, right?
A. Correct.
Q. Okay, so in any event, back in May of 1980 this was provided to you folks to look at.
A. Correct.
Q. Now, we're up to Exhibit 27? There's little -- just to make sure that it's clear, this -- these two chapters were a products of ICOSI's and SAWP's work, right?
A. This is -- yes, yes, yes.
MR. PENNOCK: Okay. I'm going to show you Plaintiffs' Exhibit 27 and unfortunately this is my only copy for some strange reason, but I'd ask you if you could take a look at this document and if you don't mind maybe I could just stand behind you for a

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

minute. Is that all right or would that make you uncomfortable?

THE WITNESS: No, it's fine.

MR. HOWARD: You want to identify it for the record?

MR. PENNOCK: Yeah, Plaintiff's Exhibit 27 is ICOSI project list for January -- or ICOSI project list for January 1st through August 31st, 1980. It bears Bates numbers 1005059647 through 1005059649.

(Plaintiffs' Exhibit 27 was marked for identification.)

BY MR. PENNOCK:

Q. Mr. Corner, I wanted you to look at the number two on the project list and perhaps you would be kind enough to read that into the record for us.

A. Number -- read number two?

Q. Yes, sir, if you would. If you'd like, I'll read it for us.

A. Yes, please.

Q. Number two on the project list reads "Assisting George Berman with his project for Social Acceptability Working Party. Letter A, assisting in the revision of chapter on the social role of smoking. Letter B, review of report on proposed documentation center."

I've read that correctly, right?

A. Correct.

Q. Okay. So this social cost/social values document was generated by ICOSI and SAWP, right, with -- along with George Berman?

A. ICOSI project list for January 1 through August 31, 1980. Revision and preparation of background briefing papers January, '80. ICOSI project list. Project list. Forgive me. If you'll just give me a minute, I must -- it doesn't say -- the paper is undated, so it doesn't say whether this was done or work to be done.

Q. Well, the question that I had, Mr. Corner, is that you'd agree with me that SAWP/ICOSI participated in the generation of this document? That was one of their projects?

A. Oh, I'm sorry. I'm sorry. This document here.

Q. Yes, sir.

A. Yes, sir. I thought you meant this one. I beg your pardon.

Q. I wasn't clear. That's my fault.

A. Sorry. This one, yes, that's the Berman work, yeah.

Q. All right. Now, if you could turn to chapter -- chapter two of the document which is as promised entitled "The Social Role Of Smoking." There you go.

A. Uh-huh.

Q. Right? Now, do you -- do you remember a Dr. Wildavsky?

A. Aaron Wildavsky?

Q. Yes, sir.

A. Yes, I do.

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. Okay. And he had a reasonably close working relationship with Philip Morris, didn't he?
A. That I don't know. I do -- the only time I remember him -- I didn't -- I do not recall him in this work here. Why I said what I did was because I met up with him in New York City here at a -- at a seminar and I think he has ceased -- since, unfortunately, died.
MR. PENNOCK: Well, if I could maybe just to refresh your recollection a little further. I've marked a couple letters here as Exhibits 28 and 9. Number 28 is a letter to Professor Wildavsky from the vice president -- as vice president at Philip Morris Helmet Wakeham.
The second letter, Exhibit 29, is an October 17th, 1980 letter, also from Mr. Wakeham to Mr. Wildavsky. The Exhibit 28 bears Bates number 1000216087. Exhibit 29 bears Bates number 1000216068. Now, I'll show you these two letters from Philip Morris to Dr. Wildavsky.
MR. HOWARD: Do you have copies of

0152

those? Thanks.
(Plaintiffs' Exhibit 28 and 29 were marked for identification.)
BY MR. PENNOCK:
Q. Now, if you look at the August 26, 1980 letter from Philip Morris to Dr. Wildavsky, he is asking Dr. Wildavsky to participate in a discussion on the social value issues of smoking, right?
A. I see the subject -- the subject of discussion is increasing the credibility of industry responsive research.
Q. It says in paragraph two, "We have decided to invite a few other participants such as yourself to join the discussion. Your name was suggested by Mr. George Berman who, as you know, is associated with Philip Morris in a study of social values as related to smoking."
A. Oh, yes. "Our theme this time will be 'Sources and Remedies for Emotionalism and Environmental Issues.'"
Q. Okay.
A. So that was the subject to the meeting to which they've asked.
Q. So they asked Mr. Wildavsky -- Philip Morris asked Mr. Wildavsky to participate, right?

0153

A. In a meeting on sources and remedies for emotionalism and environmental issues, yes.
Q. And -- and was this meeting -- this meeting was with Philip Morris's top management people, right? That was the intent here. You see at the first paragraph? Let me read it.
MR. HOWARD: Objection to form. No foundation.
MR. PENNOCK: Let me read it. I'll withdraw it. Dr. Corner, I would like to read to you to first paragraph of the letter. "Last year our top management people met in Boston with a number of keep people at M.I.T. for a very stimulating afternoon discussion of the topic 'Increasing the Credibility of Industry Responsive Research.' This Round Table was

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

so successful that we have decided to try it again, this time at our Richmond (Virginia) Center."

I've read that correctly, right?

A. Yes.

Q. So Mr. Wakeham wanted to hire Dr. Wildavsky to sit down at a round table discussion with Philip Morris's top management people in Richmond, correct?

MR. HOWARD: Objection to form.

You can answer it.

0154

THE WITNESS: He says they're going to try it again; whether -- whether it will work again, I have no idea, but that's what he says. "We've decided to try it again," yeah.

BY MR. PENNOCK:

Q. Okay. That was his -- his hope was that Dr. Wildavsky would participate?

A. I'm sorry, Counselor. I cannot say what is the hope of somebody else writing a letter.

Q. Okay. Let me rephrase it.

It appears from this letter, doesn't it, that Dr. Aaron Wildavsky, who you mentioned you recall, was being asked by Philip Morris to participate at this meeting?

A. Correct.

Q. Okay. Now, in fact Dr. Wildavsky had -- had been hired previously by ICOSI/SAWP, hadn't he, to do some work for them? Do you recall that?

A. The whole SAWP project of George Berman was initiated before my arrival. I -- one of the first meetings I sat in, it was already work -- it was already work in progress. When -- when people were hired to do consultancy work I was not -- I really can't recall.

MR. PENNOCK: Will you please mark that?

0155

(Plaintiffs' Exhibit 30 was marked for identification.)

MR. PENNOCK: I have given to doctor -- or to Mr. Corner Exhibit No. 30 which is entitled "Minutes of the Thirteenth meeting of ICOSI/SAWP, Brussels October 23-24, 1979." Bearing Bates numbers 2023024461 through 2023024470.

MR. HOWARD: Do you have a copy for me?

MR. PENNOCK: I'm afraid I don't. I'm sorry.

MR. HOWARD: It's okay. You can review it.

BY MR. PENNOCK:

Q. Mr. Corner, perhaps to speed things along, with the same advice that you stop me to read any portion of the document that you would like, I am looking at page and have some questions regarding Page 7.

A. Page 7.

Q. Now, on Page 7 we have Roman Numeral IV Social Costs/Social Values Report. Letter A "Deprived Smoker Studies. George Berman reported that Dr. Norman Heimstra recently has been engaged to perform studies relating to 'deprived smokers.'" So it appears by that statement that you were already

0156

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

involved in ICOSI at this time, correct?
A. I am in attendance, yes.
Q. Okay. In fact, you are the third person listed in attendance again probably by reason of the alphabet?
A. That's right. I always do quite well on that score
Q. Okay. Now, this social cost/social values report topic in this Exhibit No. 30 goes on to mention at Paragraph C "Analysis of Anti-Smoking Groups. An analysis of anti-smoking groups is being performed by Dr. Aaron Wildavsky. This project is examining the anti-smoking groups in regard to their organization, leadership and content, example writings."
So it would appear, then, Mr. Corner, that Dr. Wildavsky had been engaged by ICOSI/SAWP, right?
A. Is being performed, yes.
Q. Okay. Now, getting back to Exhibit No. 25, the social role of smoking chapter, just to re-ground ourselves, this was the document -- the two chapters that have been sent to a number of folks for review, right?
A. Correct.

0157

Q. All right. Now, if you look at the next page after the title page, sir, the contents --
A. The contents page, yes.
Q. -- page? There are a number of subsections of the social role of smoking. We have tobacco and the individual which has topics such as smoking makes people feel better when they are down, correct?
A. Correct.
Q. And we have tobacco in groups and has the first subsection under that is people smoke to achieve social ends as much as to fulfill physical and psychological needs, right?
A. Uh-huh.
Q. What physical needs is being referred to there, do you know?
MR. HOWARD: Objection to form. No foundation.
MR. PENNOCK: Let me withdraw that.
MR. HOWARD: You can read the document.
BY MR. PENNOCK:
Q. Mr. Corner, are you aware or were you aware in -- at this time in the early 1980's as to whether or not there were any physical needs that were fulfilled by smoking?

0158

MR. HOWARD: Objection to form. No foundation, but go ahead.
THE WITNESS: I could answer that by saying that one of the major parts of making smoking and the use of tobacco products not acceptable to society is to try and make out that it means nothing, people do it because they -- it doesn't mean anything to them, they can stop it. Some of the things you read here, it shows that, in fact, this is a custom that people do that really makes sense. It has depth to it, it brings people things, it does things, it's a

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

social activity.
And it is true that a lot of, particularly in those days -- we're looking back now to 1979 as far as this position is concerned, 1979 to 1988, and the attacks on smokers, people cutting off people's cigarettes in restaurants with these GASP groups and everything, because the thrust had got about that this was a habit, it was a dirty habit; you know, you shouldn't do it.
If you look at this chapter here these are things which come back to history as to why people enjoy the habit of smoking, the custom of smoking. And as a free individuals with a legal product they are perfectly able to do so.

Now, this represents exactly the sort of information to support people, support people who have made their choice to smoke and this reflects back oh yes, yes, I do that, yes. An icebreaker in a pub or filling in a time. Break for a smoke it was for me when I was in -- when I was in the Army.
And this, in fact, is some -- some of these things here are done because -- or rather illustrate that smoking is something which people enjoy if they wish to smoke.
MR. PENNOCK: Okay. Let me just move to nonresponsiveness in the answer.
BY MR. PENNOCK:
Q. Mr. Corner, this -- the information in here to your mind represents exactly the sort of information that was being disseminated by SAWP to support people that smoke, correct?
A. I think it was being -- it was being -- well, I don't -- I cannot remember now to what extent this book was distributed. We know from these -- from this correspondence here it got as far as the -- it got as far as the -- as the -- as the board. I cannot with my recollection now say how far down the line in time --
Q. Well, I'm just trying to use -- I'm

sorry, sir. I didn't mean to interrupt. I'm just trying to use the word you used. I thought you said this information here represents exactly the sort of information used to support people that smoke; is that --
A. Well, it demonstrates or it brings to life and records all those -- all those instances and circumstances under which -- under which people use -- smoke cigarettes.
Q. Okay. Well, I want you to look at the Anti-Smoking Today subsection and if we could turn to page 1691?
A. Page 16 -- what?
Q. 1691.
A. Oh, I see, the last three. 1691.
Q. Sir --
A. 1691.
Q. Let me read you what is here in this document. "The anti-smoking movement stands out in modern society as apparently going against a trend to include more and more people into the mainstream. It has been pointed out by Dr. Aaron Wildavsky, a

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

political scientist who has studied anti-smoking, that: now, just a decade after the homosexuals came 'out of the closet,' anti-smokers speak openly of

driving smokers into the closest. Anti-smoking is just about the only kind of discrimination that is still legal: if you can't segregate blacks, or women, or Jews or queers anymore, then at least you can segregate smokers."

I've read that correctly?

A. Yes, you have.

Q. Okay. Now, Dr. Wildavsky, you will agree with me, is equating in this paragraph anti-smoking movement with pretty serious bigotry, isn't he?

A. Well, Counsel, perhaps I can answer that question by saying that when I was at the Well Conference on Smoking and Health in 1979 I was addressed, as we all were, that smokers would be regarded in the future as sodomites, that smoking will be made socially unacceptable and only something done by consenting adults in private. That was said at the conference in Bonn. I don't see that Dr. Wildavsky here is saying any different.

Q. So you think that's a fair statement?

MR. HOWARD: What is?

THE WITNESS: Is what a fair statement?

BY MR. PENNOCK:

Q. Let me withdraw that.

So Mr. Corner you feel that Dr. Wildavsky's statement in this document is a fair one?

A. What he is pointing out --

Q. Could you please just answer the question yes or no, sir?

MR. HOWARD: I object. Maybe he can't.

BY MR. PENNOCK:

Q. If you can't, please feel free to let me know that and go ahead and answer.

A. Yes, I can't answer that. What I -- what I can answer is that what he is -- the point he makes about segregation, about devisiveness, this, in fact, has been one of the hallmarks of the anti-smoking movement particularly by the activists.

At a time when society comes together by segregating people because of smoking cigarettes you are devisive, are dividing people. In fact, it's on the record that people have been knifed in the restaurant because they were smoking. Violence has been encouraged by this -- by this violent attack.

And as I said, those were -- that remark about consenting adults in private has been -- has been mentioned in the literature and elsewhere. And if that isn't -- if that isn't a violent attack on

social acceptability of a product if you happen to smoke, then surely it's time somebody did something about that.

MR. PENNOCK: Move to strike. The answer is nonresponsive.

BY MR. PENNOCK:

Q. Sir, The World Health Organization was

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

one of the organizations actively involved against smoking at this time, wasn't it?
A. Yes.
Q. Now, there were a number of other organizations actively involved against smoking at this time such as the American Cancer Society, right?
A. Correct.
Q. And you don't mean to suggest that Mr. Wildavsky's comment would apply to those organizations, do you?
A. What I am suggesting --
Q. Sir, if you cannot answer yes or no, please just say --
A. No.
Q. You cannot answer it?
A. Can you rephrase the question for me, please?
Q. Sure I can. You don't mean to suggest

0164

that Dr. Wildavsky's comment will be applicable to the World Health Organization or the American Cancer Society, do you?
A. No.
Q. And yet he doesn't distinguish among anti-smoking groups in his statement, does he?
A. Not in his statement, no.
Q. And this document was a document going to all of the national manufacturing associations in the world, right?
A. As I say, whether it went to them or not, I do not know.
THE VIDEOGRAPHER: We have to go off the record to change the tape.
MR. PENNOCK: Thank you.
THE VIDEOGRAPHER: It's 2:59 p.m. This is the end of tape number two.
(Recess taken)
THE VIDEOGRAPHER: Back on the record. Beginning of tape number three. It's 3:03 p.m.
MR. PENNOCK: Mr. Corner, let me show you Exhibit No. 31. For the record, this is a document, it appears to be a telex by Mr. Corner to Mary Covington and George Berman bearing 2025049886. It seems to be dated May 21st, 1980.

0165

THE WITNESS: Yes, sir.
(Plaintiff's Exhibit 31 was marked for identification.)
BY MR. PENNOCK:
Q. Mr. Corner, this is a telex that you sent back in 1980, right?
A. Correct.
Q. And this document was prepared and sent by you in the regular course of business with Philip Morris in your capacity as a Philip Morris representative at ICOSI, right?
A. Correct.
Q. Now, you are expressing some concern in this document regarding work of The World Health Organization, are you not?
A. A study is underway coming out, yes.
Q. And you wanted -- well, correct me if I'm wrong, but it appears that you wanted to alert the

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

folks to whom you were sending this telex that they needed to push ahead with the social cost study that had apparently already been ongoing; is that right?
A. Correct.
Q. In fact, you say, "The need for pushing ahead with the social cost study and getting it adapted for use by the NMAs" --

A. Correct.
Q. -- "is underlined by the following," right?
A. Uh-huh, correct.
Q. So the following, as it were, is your description of a study underway by The World Health Organization regarding the health costs of smoking related diseases, right?
A. Correct.
Q. So as part of your work with ICOSI and under the countermeasures subcommittee you wanted to get something ready to respond to The World Health Organization?
A. Not necessarily to respond, but to make sure that we had the information out there when the WHO study came out.
Q. Now, WHO, World Health Organization, I think that's -- as you said earlier, you found that to be a magnificent organization?
A. Correct. I knew Dr. Mahler. He was the head of the smoking and health program for the WHO at that time.
MR. PENNOCK: Sir, let me show you, if I might, Exhibit 32. Now, for the record this is Plaintiffs' Exhibit 32. It appears to be a telex to

all national manufacturers associations and a CC to all member companies and it appears to be prepared by Mr. Corner. It bears Bates number 2028349076 through 9079. Take a moment if you would.
(Plaintiffs' Exhibit 32 was marked for identification.)
BY MR. PENNOCK:
Q. My first question is this a telex which you prepared?
A. Yes, it has my name on it.
Q. Okay. That's just a formality, sir. I didn't want to get halfway through it --
A. Okay.
Q. The document is dated May 30th, 1980, right?
A. Correct.
Q. Now, it says it's relating to ICOSI -- to ICOSI information mailing number 18.
A. Correct, yes.
Q. I guess there had been 17 prior ICOSI information mailings?
A. I must presume so, yes.
Q. It's regarding the 33rd World Health Assembly in Geneva, Switzerland?
A. Yes.

Q. What is that or what was that?
A. If I remember correctly, every year there is a World Health assembly where the WHO and all

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Document from http://www.industrydocuments.ucsf.edu/docs/ssxl0001

the member countries, 120 or so, whatever it is, member countries come together for The World Health Assembly. It's their annual meeting.

Q. And apparently, as indicated under number three here, The World Health Organization -- The World Health Organization's program on smoking and health was going to come up for some type of resolution at that assembly?

A. That is correct.

Q. Now, what -- what was the purpose of your sending this telex?

A. To always monitor -- in terms of monitoring what happened at the -- monitoring what happened at the -- at the meeting at The World Health Assembly.

MR. PENNOCK: Let me show you Exhibit No. 33.

(Plaintiffs' Exhibit 33 was marked for identification.)

BY MR. PENNOCK:

Q. Do you -- who's the author of this document, do you know?

0169

A. John-Eric Groenlund was a Swede.

Q. This document was addressed to Mr. Gibson and you were one of the parties CC-ed?

A. That is correct.

Q. And for the record, it's dated September 2nd, 1983. It is Bates number 2023102825 and is from Mr. Groenlund, as I said, to Mr. Gibson, CC to Mr. Corner and others.

Now, Mr. Corner, what was or who was VTT-medical board meeting?

A. I do not know.

Q. You do not know or you do not remember?

A. I do not know.

Q. Well, is it likely that you knew at this time that you received this letter or this telex on it?

A. I do not know. VTT? No, sorry.

Q. It was not a -- to your knowledge it was not a tobacco industry organization, right?

A. Yeah, just -- can I read it and maybe I --

Q. Please, please, sir. I'm sorry. I thought you had a chance to.

A. Right. I can answer the questions on this.

0170

Q. Okay. Having had an opportunity to read the document, again I apologize I thought you had already read it, do you know who VTT-medical board was?

A. I still don't, but I think I can give some explanations which might possibly lead you to it, but I still don't know. This is a letter from Eric Groenlund. This is operations. This has got nothing to do with smoking issues, this is -- operations ran the business in Scandinavian countries. This is a letter. It's a telex he sent to Jack Gibson who's second in command of the -- of the new region.

I am now in a different position. I am now corporate affairs director for EMA, the

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Guard by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Europe/Middle East/Africa. In other words, this is after the split of the region, so my job is to follow both corporate affairs generally and the issues. This is a telex from Groenlund to the management of the region and it's all about marketing issues, brand issues, about a filter called Barclay filter.

Q. So you see where it says "Our source tells us that nothing concrete was decided Monday during the VTT-medical board meeting"? Do you see that?

A. Yes, I do.

0171

Q. When he's saying "our source," am I incorrect in drawing from that that he had some type of, for lack of a better term, a corporate spy at some board meeting?

MR. HOWARD: Objection to form. No foundation at all.

THE WITNESS: No idea.

BY MR. PENNOCK:

Q. You have no idea?

A. No idea.

Q. So beyond what you said, you really don't have any comment with respect to this document?

A. No.

MR. PENNOCK: All right. Well, can we go off the record for one moment, please?

THE VIDEOGRAPHER: Going off record. It's 3:14 p m.

(Discussion held off the record.)

THE VIDEOGRAPHER: Back on the record. It's 3:15. Mr. Pennock, please continue.

BY MR. PENNOCK:

Q. Mr. Corner, do you remember who Annetta Corti was?

A. Anetta Corti, she's Swiss and she was the -- she worked at INFOTAB.

0172

Q. The successor to ICOSI?

A. The successor to ICOSI, exactly.

MR. PENNOCK: I've just handed to the -- I've just had marked Plaintiffs' Exhibit 34. It bears Bates numbers 2024261199 through 2024261201. It appears to be a telex authored by Annetta Corti addressed to a number of persons and it appears to be dated April 20th, 1983.

(Plaintiffs' Exhibit 34 was marked for identification.)

BY MR. PENNOCK:

Q. Mr. Corner, you appear as one of the addressees on this document; is that not correct?

A. That's correct.

Q. Now, the subject of Ms. Corti's telex here is Preview of World Health Assembly May 12th -- May 6 through May 12th, correct?

A. Right.

Q. And she says "We have just received the following report: smoking control is not on the assembly's agenda. This is because The World Health Organization director general felt there was no need to place anything before governments ahead of Winnepeg."

I take it Winnepeg was probably some upcoming meeting or something, right?

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by the Internet Archive http://www.industrydocuments.ucsf.edu/docs/ssxl0001

0173

A. Probably, yeah.
Q. Now, Ms. Corti didn't work for The World Health Organization, did she?
A. No, she worked -- she was, in fact, assistant to Mary Covington at INFOTAB.
Q. How is it that -- when you received this back in 1983, did you have any question as to how it is that Ms. Corti came to find out what The World Health Organization director general felt regarding smoking controls?
A. No, I don't.
Q. You don't recall that question coming to your mind?
A. No, no.
Q. The -- this is dated April 20th, 1983, as I pointed out, and The World Health Assembly wasn't going to take place for another two weeks, right?
A. That is correct, yes.
Q. It appears to be right?
A. That's correct.
Q. And there is also -- she also goes on to say "Some discussion may happen at the request of governments during (A) review of WHO'S" -- World Health Organization's -- "program and budget, and (B) general health matters, which include noncommunicable

0174

disease, addiction to alcohol, tobacco and cancer."
She seems to have some inside information on what the -- who the assembly was going to address at their organization, at their assembly, right?
MR. HOWARD: Objection to form.
BY MR. PENNOCK:
Q. Mr. Corner, would you agree with me that based on this first paragraph that Ms. Corti has obtained information regarding what WHO was going to do at their assembly two weeks down the road?
A. That is correct.
Q. Okay. Now, I want you to look at Page 200, which is Bates number 1200. You see the number, Paragraph 4?
A. 1200, Paragraph No. 4, yes.
Q. And correct me if I'm wrong. It reads, "The WHO secretariate is putting final touches on a study about the social costs of smoking (sent to you by Brian under separate cover)."
Now, the "you" could refer to any number of the addressees, right?
A. Could be, yes.
Q. But it would seem that each of you, since the you is -- withdrawn.

0175

The memorandum is addressed to all of these people, so it would seem that the "you" means all of you including yourself, right?
A. Could be, yes.
Q. Okay. So do you know how it is that Ms. Corti, an employee of ICOSI, came to be in possession of a study about the social costs of smoking that the WHO secretariate hadn't even finalized yet?
A. I have no idea.

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Document from http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. Strikes you as a little odd, doesn't it?
A. No, no.
Q. No? Now -- okay. Let -- let me go back to Exhibit 22, if I could.
A. Right.
Q. Looking at Page 280 -- 278 -- and for the record, Exhibit 22 is the memo that you sent by telex to Mary Covington entitled "SAWP Countermeasures Development Subcommittee Proposals to ICOSI Executive Committee, Scottsdale, September, 10th, 1979."
Sir, again, I'm directing your attention to Page 278 and Paragraph 5, Action Plan Proposals, 1980 - Year of the Non-Smoker Preemptive Campaign.
So apparently is it correct, sir, at this time you were proposing that ICOSI engage

0176

immediately in a campaign to preempt anything that The World Health Organization was going to do in the upcoming year of the non-smoker?
A. I'd say that's a little sweeping. The object of -- the words preemptive -- I cannot now recall what was going through my mind when I said preemptive, but what -- and I don't even remember now what -- what happened, but the principle of these things is that when information is coming from one side, then balancing information can come from the other side.
MR. PENNOCK: Sir, let me show you another exhibit and this will be Exhibit No. 35.
(Plaintiffs' Exhibit 35 was marked for identification.)
MR. HOWARD: You're falling down or your stapling duties. Can I get the stapler?
MR. PENNOCK: Yeah, could I have that back? Alan, this is a couple of copies that haven't been collated. I don't think you want to staple it. If you want to sort it out, you can do it easily by Bates number.
MR. HOWARD: Make sure, Richard, that yours is in order. I think they're in order now.
BY MR. PENNOCK:

0177

Q. Mr. Corner, have you ever -- have you ever used the term "anti-capitalist" to describe a anti-smoking group?
A. Have I ever used the term "anti-capitalist" to describe -- can I answer that by saying I have in terms of that is sometimes partially the motivation.
Q. Basically, an anti-capitalist would be what?
A. Anti-business.
Q. And why would someone be anti-business because of their political -- withdrawn.
MR. HOWARD: Objection. Calls for speculation.
BY MR. PENNOCK:
Q. An anti-capitalist is essentially someone that's a communist; is that correct?
MR. HOWARD: Objection to form.
MR. PENNOCK: What's the objection? It's a very simple question.
BY MR. PENNOCK:

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf
Generated by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. Go ahead, I'll let it stand.
A. Anti-business. Somebody who's anti-business is somebody who is against the free market.

0178

Q. Okay. So anti-capitalist is even a broader term than anti-business, right?
A. Anti-capitalist is a broader term than anti-business. There are similarities.
Q. Okay. You would agree with me that calling someone anti-capitalist, particularly back in the early 1980's, is tantamount to calling someone a communist, right?
A. Anti-capitalist is calling someone communist. Not necessarily, no.
Q. Okay. Why is that?
A. Because there were some people who were anti-capitalists who were not communists.
Q. What -- an anti-capitalist in your mind, then, is not calling somebody a communist?
A. If you call somebody a communist, they're part of a regime which has killed 18 million people over the last 70 years. If you call somebody an anti-capitalist, it's somebody who does not like capitalism.
Q. Does not like the capitalist system?
A. (Witness nods head.)
Q. It's a fine point in definitional distinction that might be lost on a -- on your average reader, wouldn't you say?

0179

MR. HOWARD: Objection to form.
THE WITNESS: I think the definition between -- and I've just come back from Eastern Europe. I flew back from Warsaw on Saturday. The difference between communism and anti-capitalism to me is plain as a pikestaff.
MR. HOWARD: Plain as a what?
THE WITNESS: Plain as a pikestaff.
BY MR. PENNOCK:
Q. Could we look at Exhibit 35 which is a desk memo from William Kloepfer and bears Bates numbers TIMN 073088 and its attachment appears to be excerpts from an interview and bears Bates numbers TIMN 07 -- 0073089 through TIMN 07 -- excuse me, TIMN 0073091.
Now, do you know who Mr. Kloepfer is?
A. Bill Kloepfer, yes. He was the -- I cannot recall now the exact position, but he was a senior manager or director at The Tobacco Institute in Washington, D.C.
Q. And The Tobacco Institute was the organization which was putting up 50 percent of the money for a study that ICOSI had proposed; isn't that right? We talked about that earlier?
A. That was in one of those memorandums,

0180

yes.
Q. Now, Mr. Kloepfer is writing to Mary Covington, right?
A. Correct.
Q. And she was at one time the secretary general with ICOSI, right?

http://legacy.library.ucsf.edu/tid/dhf07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. That's correct.
Q. In fact, she was secretary general of ICOSI while you were there and while you were in charge of the countermeasures subcommittee, correct?
A. Correct.
Q. Okay. And he writes to Ms. Covington, "Here is the Berger interview." He put the word interview in quotes. Do you see that?
A. Yes.
Q. Okay. "And the earlier Berger article FYI" --
A. Uh-huh.
Q. I've read that correctly?
A. Correct, yes.
Q. And I'll note for the record that the earlier Berger article was not included with this document in the repository from which we obtained it.
A. That's correct.
Q. And then there's a portion that's

0181

redacted, correct? Appears on his desk memo there?
A. Sorry, redacted?
Q. Redacted. You see --
A. Oh, I see. Redacted, yes.
Q. And he writes to Ms. Covington, "Please let me know the first of the week how you feel. We're close to deadline. Thanks." Do you see that?
A. Yes, I do.
Q. Appears as though from reading that, wouldn't you agree, he's sending this interview which he put in quotes to Ms. Covington to see if she wants to change anything with respect to the interview, doesn't it?
A. That I cannot -- I cannot -- I cannot guess.
Q. So you -- reading that and as a person who is in ICOSI with Ms. Covington and knew at least who Mr. Kloepfer was and what he did, do you think it's a fair characterization of this note from Mr. Kloepfer to Ms. Covington that he was asking Ms. Covington to review this interview to determine if there was anything that she wanted to change?
MR. HOWARD: Objection to form, Counsel.
MR. PENNOCK: I'll let it stand.
THE WITNESS: To me, he's asking for

0182

comments.
MR. PENNOCK: Okay.
THE WITNESS: How do you feel about it?
BY MR. PENNOCK:
Q. All right. That's fine. Now, let's look at the interview now for a moment if we could. I'm particularly interested in the answer at the bottom of page -- of the first page. If we could start there. It's 089.
The question, "What about public opinion?" And this Peter L. Berger, Ph.D. answers, "People in the movement know that if they are going to be influential they have to link themselves with more established ideologies; anti-capitalism, environmentalism, consumerism and the like. All these linkages happen to put them on the left side of the political spectrum and that may or may not be an

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Courtesy of http://www.industrydocuments.ucsf.edu/docs/ssxl0001

advantage to them. Right now, especially in Western Europe and America, that could be a disadvantage."

I've read that correct, have I not?

A. You have indeed.

Q. Now, do you recall any discussion back at the time when you were with ICOSI in terms of "linkages" between anti-capitalism and anti-smoking movements?

0183

A. No.

Q. Do you have any understand -- well, withdrawn.

He goes on to say -- let me read the next question. Question, "Can you give us a specific example of this ideological linkage?"

Answer, "Yes, we know of course that the United Nations' system is dominated by third world countries. In 1978, the U N. Committee on Trade and Development, UNCTAD, put out a study of how multi-national tobacco companies were supposedly promoting smoking in the third world to the detriment of its peoples. Early this year, The World Health Organization came up with a report on the alleged health evils of tobacco, so who legitimizes its activities by swinging into the U N. orbit and sets up a linkage of the anti-smoking and anti-capitalism movements."

I have read that correctly?

A. You have read that correctly, yes.

Q. Mr. Berger appears to be asserting that The World Health Organization is somehow linking itself up with anti-capitalist movements, isn't it? Isn't he saying that?

MR. HOWARD: Objection to form.

0184

BY MR. PENNOCK:

Q. Mr. Corner, do you think that's --

A. I'm not quite sure what he's -- what he's -- I'm not quite sure what he's getting at there.

Q. Well, Mr. Corner would you agree with me that it would -- it would not be a fair statement to assert that The World Health Organization was somehow linked with anti-capitalist movements? That would not be a fair statement, would it?

A. No.

MR. HOWARD: Objection to form.

BY MR. PENNOCK:

Q. In fact, that would be a false statement isn't it?

A. (Inaudible. Witness reading from document). The WHO is dominated just as the U N. is by third world countries. I don't quite understand that paragraph.

Q. Well, if he's asserting that the U.S. -- or that the -- that the WHO was linked with anti-capitalist statements, that would be a false statement. He should not be saying that; isn't that correct?

A. WHO link -- can you repeat that, please?

Q. Sir, if Mr. Burger is asserting in this

0185

statement that the WHO was linked with anti-capitalist movements, that would be a false statement, wouldn't

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

it?
A. I think so, yeah.
Q. Okay. Now, this was --
A. That's where the money comes from.
Q. If you go back to -- if you go back to Page 1, and by that I mean 089, it says "Editor's Note." The last sentence of Editor's Note, "The Tobacco Observer interviewed him about that session," referring to a -- the fourth world conference on smoking and health in Europe. So this was apparently an interview that was going to appear in the Tobacco Observer; would you agree?
A. Yes.
Q. You don't recall what that publication was, though, I think you testified earlier?
A. That's correct. But I see, it must now, I see it must be the -- the TI's publication.
Q. If I could just direct your attention again to Page 34. I'm sorry, Exhibit 34.
A. Exhibit 34? Yes.
Q. Now, this is a -- this is that telex from Antoinetta Corti where she's previewing The World Health Assembly, right?

0186

A. Right.
Q. And this is the one where you just looked at where she seemed to have some advance information with respect to The World Health Assemblies, correct?
A. Correct.
Q. Okay. Look at No. 3 in her document. Now, again, Ms. Corti was working for ICOSI, right?
A. Correct.
Q. And she says here, "Linkages are emerging among the three above mentioned activist groups for coordinated action on smoking control issues. (Although this will be a minor part of their main activities). How far these linkages have gone often bottom clearer at the Assembly which should also give pointers to activist strategy for Winnepeg."
Do you know what she's talking about there?
A. Well, only what I read, that linkages are emerging. How far these linkages have gone are to become clearer at the Assembly which could also could point to activist strategies for Winnepeg. That's just -- that's just what she says.
Q. Do you know if she had any contact with or dealings with Peter Berger who's quoted in this

0187

Tobacco Observer interview?
A. Peter Berger came to the -- to the Stockholm conference which is recorded here, so I'm sure that he would have known Antoinetta Corti. Like me, I know Peter Berger. He spoke at a seminar here about a year or two ago at the Manhattan Institute, so the answer to your question, Counsel, is yes.
Q. Okay. Now, sir, if I might I'd like to turn to the next topic. You need to take a break for a minute or anything like that?
A. Okay. Thank you.
MR. HOWARD: Why don't we go off the record for five minutes.

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

MR. PENNOCK: Okay.
THE VIDEOGRAPHER: We're going off the record. It's 3:40 p.m.
(Recess taken.)
THE VIDEOGRAPHER: Good afternoon. We're back on the record. It's 3:56 p.m., continuing the deposition of Mr. Corner.
Mr. Pennock, please continue.
BY MR. PENNOCK:
Q. Mr. Corner, could you possibly pull out of your pile there Exhibit No. 20 also?
A. Yes.

0188

Q. Sir, Exhibit 20 was the -- was a memo from INFOTAB which was the successor to ICOSI by Antoinetta Corti dated July 30th, 1984. Do you see that?
A. Correct, yes.
Q. Okay. And this memo is enclosed to a number of people who appear to be at INFOTAB; is that right?
A. Sorry, could you repeat that?
Q. Yeah. I'm sorry. This memo is addressed to a number of people at INFOTAB?
A. Members -- representative members of companies, correct.
Q. Yes. And she enclosed a couple of papers that had been published, correct?
A. Correct.
Q. And one of the papers, the second one, is Economic Costs of Smoking and Benefits of Quitting. Do you see that?
A. Correct, yes.
Q. Now, she CC-ed this document to you in July of 1994, right?
A. Correct.
Q. Okay. So at this juncture in July of '84, I take it you still had some involvement, however

0189

tangential, with respect to INFOTAB and ICOSI, right?
A. We're talking of?
Q. July, '84.
A. July of '84, so I was just about to move -- '84 to '80. I was just about to move from INFOTAB to Philip Morris.
Q. To INFOTAB?
A. '79 to '84, '84 to '88 were the parameters and it was the summer, so either I was at INFOTAB or just about to leave Philip Morris.
Q. Okay. Going to Exhibit No. 10 which was October, 1983, if you'd look at page -- the first page down at the bottom where they -- and I read this earlier where the document mentions that Sherwin Feinhandler had been engaged to do some work for ICOSI, correct?
A. Right.
Q. Now, we then discussed earlier the chapter two, the social role of smoking, that was written by Mr. Feinhandler.
A. Correct.
Q. You remember that?
A. Correct.
Q. And if we turn to Page 8 of this

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by the Legacy Industry Documents Library. http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Exhibit 10, we see that section again where he was --

0190

where it's mentioned that SAWP had been working with him -- well, let me -- let me back up.

On Page 8 -- indulge me for a minute, please, Mr. Corner.

A. Sure.

Q. I'm sorry. I apologize, sir. Will you turn back to page 6?

A. All right.

Q. Sir, I direct your attention to Page 6 of Exhibit 10 in the -- the document refers to the Feinhandler Publication Project. Do you see that?

A. Yes, top of the page.

Q. And it says, and I quote, "The third area is what we refer to the Feinhandler Publication Project. Essentially, it is aimed at getting two Feinhandler papers into print. As mentioned earlier" -- I'm continuing to quote here.

"As mentioned earlier, Feinhandler prepared the material for chapter two, the social role of smoking. He have has continued to work for the industry for the past few years, but his work in this field has not been published. We have been working with Feinhandler on revisions of two earlier unpublished papers, one dealing with the anti-smoking movement in the United States and Sweden, the other

0191

dealing with the social role of smoking.

"The first has been submitted for publication in Harvard Magazine and the second paper is about to be submitted. Again, we are aiming towards getting favorable material into the literature thereby providing a quotable source."

I've read that correctly, haven't I?

A. You have, indeed.

Q. Now, sir, you weren't directly involved with this social cost/social values INFOTAB board of directors meeting at this time in October of '83, right?

A. INFOTAB in '83. I could have been.

Q. Okay.

A. I don't know.

Q. Well, would you agree with me, sir, that whoever is proposing this assistance to Dr. Feinhandler -- let me withdraw that.

Would you agree with me that there is a certain challenge to academic integrity contained within thea plan of whoever wanted to help Dr. Feinhandler in this publication project?

MR. HOWARD: Objection to form.

BY MR. PENNOCK:

Q. I'll rephrase it.

0192

Sir, you have here a situation, right, where Dr. Feinhandler was engaged and paid to write articles, correct? Right?

A. Engaged and paid to write articles.

Q. He was hired to write the chapter two, the social role of --

A. As a consultant to --

Q. Okay.

A. -- bring his expertise to the subject

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

and to write, yes.
Q. And this document notes that we, apparently referring to SAWP, and ICOSI -- it says, "We have been working with Feinhandler on revisions of two earlier unpublished papers," right?
A. That's what it says.
Q. So they were -- so someone was lending some assistance to him in revising the articles, correct?
A. If you want to interpret working with on that basis.
Q. Well --
A. Asking him to revise.
Q. Did you have -- did you engage -- did you work with him on these revisions?
A. No.

0193

Q. So it says "We have been working with him on revisions," right?
A. Correct. Yes, yes.
Q. All right. And then it says that the -- they have -- they've actually given this -- this project a name, haven't they, the Feinhandler Publication Project, haven't they?
A. That's what -- that's what it has up top, yeah.
Q. And then they say what this project is, it's aimed at getting two Feinhandler papers into print, right?
A. Uh-huh, correct.
Q. So they're making some efforts to get this fellow published, aren't they?
A. Correct.
Q. Okay. And then they -- by "they" I mean ICOSI and SAWP -- go on to say "We are aiming towards getting favorable material into the literature thereby providing a quotable source."
So you'd agree with me it appears that they hired him to write the article, helped him to revise it, are trying to get him published so that ICOSI and SAWP can have some purported reputable source to quote.

0194

MR. HOWARD: Objection to the term "purported." You can answer.
BY MR. PENNOCK:
Q. Some -- I'll withdraw that term. I'll rephrase the question.
ICOSI and SAWP have done these things with respect to Dr. Feinhandler so that they can then quote his work as though it were some independent -- independent publication.
MR. HOWARD: Objection to form.
You can answer, if you're able.
THE WITNESS: Getting -- getting expert -- expert writings published is practiced all over the world in all sorts of industries and also government. Aiming towards getting favorable material into the literature there providing a credible source, currently one of the major experts of that is the White House. I don't see what's wrong with that at all.
BY MR. PENNOCK:

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf
Digitized by the Internet Archive in 2014 http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. Well, you don't see anything wrong with engaging in hiring the fellow to do the work, helping him revise it, helping him get it published -- let's stop it right there. You don't see anything wrong with that, right?

A. Well --
Q. Let's stop -- could you just following me along, a minute, Mr. Corner?
A. Yes.
Q. If I could break this down. As I understand it, you certainly don't see anything wrong with engaging him as a consultant, right, and hiring him to write some paper and helping him get it published? There's nothing that you have a concern about there, correct?
A. I cannot agree with the word "hire."
Q. Okay.
A. If you say "hire" somebody, it sounds as if you're hiring somebody to do something. You commission somebody to -- to write.
Q. Okay.
A. Yeah.
Q. So you have no problem with commissioning him to write something, helping him with the revisions and helping him to get it published? You don't find that there's anything untoward in that scenario?
A. No.
Q. Okay. Now, what about then quoting his work or using it, as they say, a quotable source?

A. As I interpret what they mean there -- "We are aiming towards getting favorable material into the literature there providing a quotable source," there providing the opportunity for people to quote what he has written, yes, and this happens -- it's commonplace.
Q. So now, let's look at it from another angle. Do you think that INFOTAB was going to themselves use this article as a "quotable source" in their dissemination in information in response to whatever issues might come up?
A. Because of the -- the -- because of the action to get information into the public domain, I can imagine that. And here again, I'm speculating, but I can imagine that ICOSI or the socially acceptable working party would, in fact, be distributing that to National Manufacturer's Associations for their use, yes.
MR. PENNOCK: Did you ever -- well, let me show you this. I have Exhibit No. 36 here. This is a -- appears to be a letter or a memo from Brian Sampson to a number of people and cc-ed to Mr. Corner dated March 28th, 1986, Bates number 2025823948
(Plaintiffs' Exhibit 36 was marked for identification.)

BY MR. PENNOCK:
Q. Now, Mr. Corner, as I mentioned, you were CC-ed on this letter, right?
A. Correct.
Q. And you're well into your tenure with

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Europe/Middle East/Africa division, right?
A. At this particular moment in time, I am the deputy secretary general of INFOTAB.
Q. Oh, you were at this time?
A. Yes, '79-'84 was Philip Morris and '84 to '88 I was in Brussels at the INFOTAB secretariate. Brian Simpson is the secretary general, an Australian, who came to take over for Mary Covington. He was the secretary general. And I left Philip Morris in 1984 at Brian's invitation to come to Brussels to be his deputy secretary general. So when this is written I am in the INFOTAB secretariate as the deputy secretary general.
Q. Okay. And we're now about seven years after the date that you started with ICOSI back in 1979, right?
A. Started with Philip Morris.
Q. And you went right to -- you were assigned to ICOSI almost immediately?
A. I wasn't assigned, no. I worked in the

0198

interim office, yes.
Q. And at that -- so we're about seven years down the road here, right?
A. '79 to '86, yes.
Q. And the subject of this memo is social costs, right?
A. From the discussions with Professor Walter and Professor Pierce (inaudible) -- correct.
Q. Apparently two more persons have been engaged to do a paper or papers on social costs and their names are Professor Walter and Professor Pierce, correct?
A. That is correct.
Q. And is it correct that those two folks had been paid $35,000 in 1986 to write those papers? Is that what appears in this --
A. That's what it appears to say, yes.
Q. All right. Okay. Let me move back to one -- one final area I'd like to discuss with you, Mr. Corner. And I need to go back again to your memorandum which is Exhibit 22, your telex, Exhibit 22.
A. 22?
Q. Yeah.
A. 22. 22.

0199

Q. Sir, this was, again, the time period when you began as your -- began in the position of project manager of the countermeasures development subcommittee, right?
A. Correct.
Q. I'm just trying to re-ground us.
MR. PENNOCK: Can we go off the record for a moment, please?
THE VIDEOGRAPHER: Going off the record. It's 4:13 p.m.
(Discussion held off the record.)
THE VIDEOGRAPHER: Back on the record. It's 4:15 p.m. continuing the deposition of Mr. Corner.
Mr. Pennock, please continue.
MR. PENNOCK: We're up to Exhibit 30 --

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

THE REPORTER: 37.
MR. PENNOCK: Well, Mr. Corner, my last exhibit is Exhibit No. 37.
(Plaintiffs' Exhibit 37 was marked for identification.)
BY MR. PENNOCK:
Q. Sir, I'd like you to take a look at -- by the way, I'm sorry. For the record, this is a document entitled "Comments: Susan M. Stuntz

0200

Discussion of EPA/OSHA Issues. meeting of The Tobacco Institute Executive Committee February 7, 1991, New York, New York, TIMN 354593 through 354622.
Now, Mr. Corner, if you could take a moment, please, and read 3546, that page, to yourself.
THE WITNESS: 354 --
MR. HOWARD: 3546 what? It goes on to 0708.
MR. PENNOCK: Oh, my -- mine is cut off here. 354620, I guess it is. Yes. It begins "The Americans" --
THE WITNESS: The Americans
MR. PENNOCK: -- "with Disabilities Act.
THE WITNESS: Uh-huh.
BY MR. PENNOCK:
Q. May I, sir?
A. Please do.
Q. Mr. Corner, I'll read for the record, and tell me if I'm reading it incorrectly, these are comments by Ms. Stuntz and it says "The Americans with Disabilities Act provides us with an opportunity to discourage employers from adopting smoking hiring bans.
"While we all recognize the mine fields that would accompany smoker litigation in connection

0201

with the ADA" -- Americans with Disabilities Act -- "we believe there is a public affairs component to the act that can be successfully implemented. We are incorporating into our legal briefing program an ADA component that cautions employers that they may be subject to legal action from smokers if, in fact, they impose hiring bans."
I've read that correctly?
A. Yes, you've read it correctly.
Q. Okay. Sir, this is not a type of a countermeasure that you would ever propose, is it?
MR. HOWARD: I'm going to object to the form. I'm going to object to the extent that this obviously is a discussion involving some legal issue and it's in a document two years -- three years after Mr. Corner left the company. There's no foundation of who the author is, what the purpose is and I think that's an improper question, Counsel.
BY MR. PENNOCK:
Q. I'll rephrase it.
Mr. Corner, you would agree with me that smokers are not persons who are disabled, right?
MR. HOWARD: Objection to form to the extent it calls for a legal conclusion. No foundation for this witness, but you can answer.

0202

THE WITNESS: Could you -- could you

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

repeat that? I don't understand the question.
BY MR. PENNOCK:
Q. Would you agree with me that smokers are not persons who are disabled?
A. Smokers are not persons -- no.
MR. HOWARD: I'm objecting to the form of the question.
BY MR. PENNOCK:
Q. Let me rephrase it. I think the question's pretty clear, but I'll be happy to rephrase it.
You'd agree with me, Mr. Corner, that people who smoke -- let me withdraw it.
Mr. Corner, do you have any knowledge as to whether people who smoke qualify as someone -- or as a member of the protected class under the Americans with Disabilities Act? Do you have any knowledge of that?
A. I have no knowledge at all.
Q. All right. Let me go to Exhibit 22. And Mr. Corner, again, this is the memo, telex that you drafted. And I would like to direct my questions at Page 276.
A. Yes, 276.

0203

Q. Okay. Mr. Corner, we're on Page 276 and you see the Section C at the top, right?
A. Yes.
Q. Letter C. Social costs/social benefits, correct?
A. Correct.
Q. All right. Now, we go down and we see letter D.
A. Correct.
Q. Discrediting the antis.
A. Correct.
Q. Now, this is a proposal, an action plan proposal that you were putting forth as the countermeasure project manager at that time, right?
A. Correct.
Q. And one of the things you wanted to do to discredit the antis -- by the way, the antis are the anti-smoking groups; is that right?
A. Correct.
Q. You wanted to develop profiles on them, right? You say underneath there "develop for dissemination profiles"; is that correct?
A. That's what it says, yes.
Q. Okay.
A. That's what it says.

0204

Q. And these profiles, when they were developed, was there any editorializing involved in terms of the information that you put together or not?
A. As I recall, those profiles, as written there, profiles, were never -- were never written, were never produced. What was produced and when we say there -- when it's mentioned there discrediting the antis, that was the more violent behavior of the activists to which I referred earlier.
And in terms of dissemination of profiles, no profiles were -- as far as I can recall, no profiles were actually written. What, in fact, one

http://legacy.library.ucsf.edu/tid/dhf07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

tried to do because one was sending information around to the National Manufacturer's Associations all around the world was that one was indicating the names of certain people together with their -- their affiliations.

So that when somebody came to visit, in for example Zimbabwe or Columbia or Bogeta or whatever, they would have some indication of where these people were coming from and what their gender was.

Q. Okay. So you wanted to develop and did develop a profile on people involved in the anti-smoking group for dissemination to the National

0205

Manufacturing Associations?

MR. HOWARD: Objection to form. Mischaracterizes what he just testified to.

BY MR. PENNOCK:

Q. Sir, the profiles that you intended to -- to describe by this reference in this telex were profiles on anti-smoking persons who might be going to a particular country --

A. That was the original --

Q. -- So to speak?

A. That was the original -- that was the original -- I recall that was the original idea to produce profiles. And by "profiles," we all know that can be quite a lengthy document. In fact, as I recall in the end we did not produce such information, but what we did do I could mention names. Michael Daub, for example, Simon Chapman who were very virulent anti-smokers just indicated there the people to whom they belonged, some of the writings which they had done. And that was given to the National Manufacturer's Association, as I say, as information.

Q. So you did develop some profiles on at least --

A. Not profiles. I didn't say profiles. For example --

0206

Q. Let me -- let me clear this up, if I might, please, sir.

A. Please.

Q. You collected information on someone whom you just mentioned, right? Who was the fella that you said you go -- you obtained --

A. It wasn't a matter of collecting information. It was more or less in the public domain.

Q. Okay. You went out into the public domain and obtained information on some fellow and I didn't catch the name. Who was it?

A. There was a gentleman called Simon Chapman.

Q. Okay. Anyone other than him that ICOSI sought -- obtained information on?

A. I must -- I can't answer the question. Obtain information. All we did was to write down information which was well known to those of us who attended these conferences.

Q. Well, you wrote it down and put it in basically a file on him so that it could be given to the National Manufacturing Associations, right?

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

MR. HOWARD: Objection to the term "file," but go ahead.

BY MR. PENNOCK:

Q. Well, no, I mean a file.

A. It wasn't -- I know it wasn't from the file. It was a piece paper.

Q. So it was in memo form?

A. So that if --

Q. Is that right?

A. It wasn't in memo form as far as I -- I don't know what form it was in.

Q. Okay.

A. Basically what it said was that if, for example, I am sitting in a country far away from the -- from the western world and all of a sudden it is announced that Mr. Chapman is arriving -- Oh, Chapman, I remember. You look at the piece of paper and you can see who he is, that he represents A, B and C and he's written A, B and C. That's it.

Q. Do you have a --

A. There's no characterization but just factual information as to his affiliation and things that he's written.

Q. All right. Well, couple of questions. Did you still have any copies of these profiles?

A. No.

Q. Do you know if any of the National Manufacturing Associations maintained copies of them?

A. I have no idea.

Q. Do you know where we might obtain copies of these profiles?

A. I have no idea.

Q. Any suggestions?

A. I have no idea.

Q. All right now --

A. It's a long time ago.

Q. With respect to the profiles, under Paragraph D where we find it says "Develop Profiles," right? That's saying a little bit more than just saying who the guy is in a short memo, isn't it? You were suggesting something more than that here?

A. Whatever was suggested there was not done.

Q. Okay. And furthermore the profiles were going to be developed for discrediting these individuals. It says it right there in Paragraph D, doesn't it?

A. That's what it says, yes.

Q. Okay. And if I could direct your attention to Exhibit 8. Now, --

A. Yes.

Q. -- we come to Page 630 on Exhibit 8 and

I refer you to the bottom of the page where it says "Chapter Three, The Character of Anti-Smoking Organizations, will be discussed by the project team at its meeting of April 28 with recommendations to SAWP to follow. Apparently, Professor Wildavsky is backing out of the project, but Marshall Thompson, a U.K. anthropologist, is ready to take over. I've read

http://legacy.library.ucsf.edu/tid/dhf37a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

that correctly at least, haven't I?
A. You have.
Q. Okay. Now, Professor Wildavsky was the professor quoted in Exhibit No. 25 regarding -- we talked about this earlier. He was quoted where he was equating the anti-smoking movement to discrimination, right? Do you remember that quote?
A. In the social cost/social values, document, yes.
Q. Yes.
A. Yes, that's correct.
Q. He's the one who said "Anti-smoking is just about the only kind of discrimination that is still legal. You can't segregate blacks or women or Jews or queers, anymore but at least you can segregate smokers."
That's Dr. -- Professor Wildavsky, right?

A. Correct.
Q. So in Exhibit No. 8 which is the SAWP meeting minutes from 19 -- March and April of 1980, we have under social costs/social value, an apparent intention by a project team to deal with the character of anti-smoking organizations; isn't that what it says there?
A. That's what it says there, yes.
Q. Okay. Now, sir, to your mind, isn't that -- wouldn't you say that that's essentially character assassination?
MR. HOWARD: Objection to form.
BY MR. PENNOCK:
Q. -- that your folks were looking to do?
MR. HOWARD: Objection to form. You can answer.
THE WITNESS: I find that question -- let me rephrase my answer. No. It's not character assassination.
BY MR. PENNOCK:
Q. Sir, do you know a Dr. William Weiss?
A. Dr. William Weiss. How do you spell it?
Q. W-e-i-s-s.
A. No.
Q. If you look at exhibit -- I believe it's

Exhibit 10. Yes, Exhibit 10 --
A. Exhibit 10?
Q. And go to Page 5 --
A. I'm out of sync. Exhibit which one did you say, Counsel?
Q. I'm sorry, Mr. Corner. Exhibit 10.
A. ten.
Q. If you would turn to Page 5.
A. Uh-huh.
Q. You see Dr. William Weiss is mentioned at the top. I'm turning back to page four and quoting. "The second area is smoking at the workplace and employment discrimination and increasing number of management journals and prominent daily and weekly news publications in the U.S. have been reporting claims that it costs more to employ smokers than nonsmokers. These claims have been largely generated by a Seattle university business Professor William

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Weiss, right? I've read that correctly?
A. You have read that correctly, yes.
Q. And this again is from Exhibit 10 which is the presentation on social costs/social values to the INFOTAB board of directors meeting. INFOTAB was the ICOSI successor.
Now, Mr. Corner, do you have any

0212

recollection at all with respect to any efforts by ICOSI or SAWP under your -- while you were there with regard to Mr. Weiss?
A. I don't remember his name at all.
MR. PENNOCK: Let me -- I promised you I was on my last exhibit before, but I have one more. Exhibit 38.
Ma'am, if you would just put your initials on that?
THE REPORTER: All right.
MR. PENNOCK: Exhibit 38, for the record, is a -- what's called a Project Progress Report. It's dated May 12, 1983. It bears Bates numbers 502234928 through 502234931. It's a typed document which follows -- there are some handwritten notes which I think we'll mark as Exhibit 39 separately.
(Plaintiffs' Exhibit 38 and 39 were marked for identification.)
BY MR. PENNOCK:
Q. Mr. Corner, if you'd be kind enough just to hand me that document back?
A. Sure.
Q. Thank you, sir. Sorry for interrupting you. Okay. We've marked separately some handwritten

0213

notes that run in sequence Bates number wise with Exhibit No. 39.
It's the handwritten notes that I wanted to take a look at, Mr. Corner, but I needed to give you the typewritten documents so perhaps we had some context.
This appears to be some type of meeting that took place; is that fair to say, this Project Progress Report?
A. I have a dim recollection of the problem with social cost because it was going nowhere.
Q. Okay.
A. And this was project leader, Richard Marcotullio. When I say it was going nowhere, it was just going on and on and on, so I think we've seen papers going back to before I arrived in '79 and here we are in '83.
And I presume -- I presume that this progress report -- they say a Project Progress Report whether it was for a meeting or whether it was a report for the progress under a new person, Richard Marcotullio, I can't say.
Q. Now, there are -- there's a discussion starting at Page 2 and running over on to Page 3. There's a typed document. There's a discussion of a

0214

number of scientific articles and papers. Do you see that?
A. On Page 2?

http://legacy.library.ucsf.edu/tid/dhf37a00/pdf
Support http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. Starting on Page 2 they talk about graph the monograph on smoking in society. Do you see that?
A. As point number one? Yes.
Q. Then they go on to say the Tollison/Wagner summary.
A. Yes.
Q. They mention a Dr. -- Professor Solomon, right? So there's some discussion in this document regarding papers that were being published or hopefully were being published; is that fair?
A. That's what seems to be.
Q. Okay. And now, at No. 6 on Page 3 the last sentence says "Professor Solomon's efforts will be directed at further rebuttal of the Weiss allegations."
A. I see that, yes.
Q. Now, it doesn't say anything in No. 6 about Philip Morris, right? In this typed document, correct?
A. Philip Morris is not mentioned, no.
Q. Okay. If you turn to the handwritten notes -- and I understand that you said you have a dim

0215

recollection, but this -- these notes appear to be notes taken at the meeting which was the subject of this typed Project Progress Report; is that a reasonable suggestion?
A. I personally don't see a connection between the two, but...
Q. Well, if you look it's -- the notes are entitled "Social Costs/Social Values"?
A. The project name, yes.
Q. And the -- it comes down here and it mentions a little way down it says something about the Weiss article. Do you see that?
A. Which page are you, Counsel?
Q. I'm on this page?
A. On the handwritten? On the handwritten? On the first page, yes.
Q. Yeah. See where it says something about the Weiss article?
A. Yes.
Q. All right. Now, down further it says "PM - did a job on Weiss." Do you see that?
A. Yes, I do.
Q. Do you have any recollection as to what that is referring?
A. Absolutely no idea.

0216

Q. Mr. Corner, you had mentioned earlier that you had occasion to meet with Mr. Howard prior to the deposition. He showed you two or three documents, right?
A. Correct.
Q. Now, it's correct that he did not show you those documents to in any way suggest what you should testify to here today, that goes without saying, I suppose, right?
MR. HOWARD: It does and it doesn't need to be said. It's going into attorney-client privilege and I think it's an inappropriate question.
MR. PENNOCK: Okay. I'll withdraw it.
BY MR. PENNOCK:

http://legacy.library.ucsf.edu/tid/dhf37a00/pdf
Digitized by the Internet Archive in 2014 http://www.industrydocuments.ucsf.edu/docs/ssxl0001

Q. Sir, did those documents that were shown to you in any way refresh your recollection for the testimony that you were giving here today?
A. Naturally, there were names of people who were ghosts in the night. I have forgotten all of these guys, half of them, so it brought back names, yes. It brought back, you know, Social Acceptability Working Party which I almost totally, totally had forgotten about. Some things I simply -- I simply couldn't, couldn't recall.
Q. By the way, do you -- are you

0217

compensating Mr. Howard for his time in meeting with you before the deposition and his time here today?
A. No, I'm not.
Q. Do you know who is?
A. No.
Q. Do you have an assumption that it's Philip Morris?
MR. HOWARD: Objection to form.
You can answer.
THE WITNESS: Since they are the defendants, yes.
MR. PENNOCK: Okay.
THE WITNESS: And I would like to put an invoice to the plaintiffs for my time. I'm executive director of a -- of a not for profit trade association and maybe we can talk about that afterward.
MR. PENNOCK: Okay. I have nothing further. Thank you very much for your time, Mr. Corner.
THE WITNESS: Thank you very much.
MR. HOWARD: I may have a few questions, but let me check my notes. Let's go off the record.
MR. PENNOCK: Go ahead.
THE VIDEOGRAPHER: We're going off the record. It's 4:41 p.m.

0218

(Recess taken.)
THE VIDEOGRAPHER: Back on the record. Continuing the deposition of Mr. Corner.
Mr. Howard, please continue.
MR. HOWARD: Sure. For the record, I'm Alan Howard on behalf of Philip Morris, and Mr. Corner, I just have a handful of questions for you this afternoon. It's getting late in the day.

EXAMINATION

BY MR. HOWARD:
Q. First of all, as a general matter, since you've left INFOTAB and gone to the International Advertiser's Association, have you had exposure to other trade associations in other industries?
A. Yes.
Q. And could you describe for the jury just generally how the work of INFOTAB as a trade association compared or contrasted to the work of trade associations in other industries?
MR. PENNOCK: Objection to the form.
THE WITNESS: The work - the work, in fact, is -- is very similar because you have constituencies around the world or if the association's international they have constituencies

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

0219
in different countries. If it's a national association, you have the constituency or members within that country and then what you are doing is to help support and give information to those members. It's very similar.
BY MR. HOWARD:
Q. Now, who are the industry constituents on behalf of whom you were working when you were with ICOSI and INFOTAB, the tobacco family, I think you mentioned earlier today?
A. At the beginning, the major constituents, as we went through the list this morning with the two American companies, Philip Morris and R.J. Reynolds followed by -- not followed by, but including then the ones from other countries such as BAT, Gallaher, Imperial, all three from the United Kingdom. Reemtsma from Germany. Rothmans from South Africa.
Later as the -- as the association -- as time passed when I was at INFOTAB, the work of the association and the constituency grew very much to include the tobacco family. My -- my -- a lot of my work when I was with INFOTAB those last four years was, in fact, Africa. And I traveled a lot in Africa particularly to the tobacco growing countries and to
0220
those -- tobacco growers and tobacco distributors in those countries.
And the -- one of the reasons it was extended that way was because of the tobacco growing, in fact, is a wonderful training for farmers. If you grow -- if you grow tobacco well, you will be a better farmer. And growing tobacco in those countries was one way that the farmers in Milawae, in Zimbabwe -- also in Zimbabwe there were white -- white settlers which in other countries in Africa they could get out of the poverty trap. And as far as the social acceptability of smoking is concerned, here was an example of the -- the advantages of tobacco and tobacco growing.
MR. PENNOCK: Move to strike. Nonresponsive.
BY MR. HOWARD:
Q. I want to turn now, Mr. Corner, to the social costs/social values project that we've discussed today and I just have one general question about that.
In connection with that project and your work with the SAWP and in particular the countermeasures subcommittee of the SAWP, did you conduct any research or were you exposed to any
0221
research within ICOSI and the SAWP regarding whether or not there were, in fact, additional health care costs associated with smoking?
A. No.
Q. I want to turn now to one of the exhibits that you were shown by plaintiffs' counsel and I see the stack over there if you don't mind reaching?
A. Which one are those?
Q. Can you get out Exhibit 22?

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. Right.
Q. And if you look at a page we were just looking at a few minutes ago, the Bates numbers that end 276, there was a description there about discrediting the antis.
Let me ask you, Mr. Corner, when you used words like "discrediting" and "countermeasures" and "attack" and so forth, was there any intent on your part to silence the allegations being made by anti-smoking groups or to suppress those allegations?
A. No.
Q. What were you doing?
A. Balancing, providing -- providing alternative information for people to make up their own minds about.

0222

Q. And if you look further on in this document, in particular Bates number 278, the number that ends 278?
A. Right.
Q. We talked a little bit about this earlier today, about the WHO, the Year of the Non-Smoker and the preemptive campaign. Do you see that?
A. Yes.
Q. And again, what -- what were you intending in creating or proposing a preemptive campaign?
A. Well, as I said -- as I said in my earlier testimony, we were -- we were getting out information to balance the information from the -- from the WHO.
Q. And in particular what information of the WHO were you looking to balance?
A. I think again it was -- it was part of the information which came out was portraying, was portraying smoking as a socially unacceptable pastime and the work -- the work which we were doing in SAWP was, in fact, to try and demonstrate that it was not an unacceptable pastime.
Q. Now, was any of your work at SAWP, the

0223

Social Acceptability Working Party, looking to counter or discredit in any way primary health messages being distributed by the WHO or anyone else?
MR. PENNOCK: Objection. Form. Foundation.
BY MR. HOWARD:
Q. You may answer.
A. No.
Q. And do you see here that The World Health Day in 1980 was going to be termed "Smoking or Health The Choice is Yours"? Was any of your activities at SAWP or INFOTAB or ICOSI designed to discredit or oppose the notion that smokers should make their own choice concerning whether or not to smoke?
A. No.
Q. In fact, Mr. Corner, as we saw in several documents we looked at, we looked at a couple, did allegations concerning alleged social costs relating to smoking continue throughout the 1980's in the public forum?

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

A. Yes.
Q. How wide spread were they?
A. I can't -- I can't really recall now how wide spread they were, but they still continue.

Q. And if you take a look at Exhibit 36 --
A. 36?
Q. Yeah, that's the one. That's dated in 1986?
A. Correct.
Q. And this was proposing to retain a couple of more professors to address the issue of social costs?
A. That's correct.
Q. So is it fair to say that seven years after the -- you joined Philip Morris Europe and participated in ICOSI and the SAWP countermeasures group, seven years later allegations concerning social costs were still being raised in the public forum?
A. Yes, there were.
Q. And so the -- all the work we saw, the Social Costs/Social Values Manual and whatnot had not silenced those allegations in any way, had they?
A. No.
Q. If you take a look at Exhibit 21.
A. 21.
Q. Let me see if I can find my copy to read along with you. Some of these I have copies of, others I do not, but I have 21.
This again, is addressing the issue of

social costs, correct?
A. Social costs hearing readiness, yes.
Q. And in the very beginning it says the memorandum deals with social cost arguments that are raised at hearings on excised tax increases, smoking restrictions and advertising bans.
So as of the date of this memorandum, there were still arguments being made about social costs in support of excise tax increases, smoking restrictions and advertising bans, correct?
A. It's what it says, yes.
Q. If you look at the bottom of Page 2, there's a reference to projects completed in 1988 and research commission for 1989.
A. I'm on the wrong page.
Q. There you go. The one that's ended Bates number 8010.
A. Yeah.
Q. There's a reference to completed projects in 1988 and research commission for 1989?
A. I don't see it.
Q. Down at the bottom under "action needed"?
A. Action needed. Yeah.
Q. So would it appear to you that this

document was prepared sometime in late 1988 or 1989?
A. Could be.
Q. Is it consistent with your recollection -- well, let me ask you, what was your recollection when you left INFOTAB in 1988 as to whether there continued to be allegations concerning

http://legacy.library.ucsf.edu/tid/dht07a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

social costs from smoking in the public press?
A. It's hard to recollect exactly, but it was certainly -- it was certainly an issue which was still there.
MR. HOWARD: I have no further questions. Thank you, Mr. Corner.

REEXAMINATION

BY MR. PENNOCK:
Q. Mr. Corner, I just have one question.
A. Yes.
Q. You mentioned on direct exam by Mr. Howard that some of the other organizations you've worked for since you left INFOTAB, right?
A. No, what I did was -- the question I was asked was the work that I was doing now at the International Advertising Association and my contact with other associations, was there a similarity and what similarities there were. As I understood the

0227

question, were there similarities between the work of other trade associations and the -- and the work I did with ICOSI/INFOTAB.
Q. I stand corrected. You're correct. You answered a question with respect to the work -- the similarities between the work you did at ICOSI/INFOTAB and the work you've done with other trade associations, correct?
A. Well, the question was the similarity of the work of trade associations.
Q. Okay. Well, in terms of the trade associations that you've had occasion to be involved with in whatever capacity since you left INFOTAB and ICOSI, do any of them -- any of those trade associations represent manufacturers of a consumer product that has been alleged to cause death and disease in millions around the world?
MR. HOWARD: Object to the form, but go ahead.
THE WITNESS: Well, if you take -- if you the hero, the major advertiser -- advertiser's association, the ANA, American -- Association of National Advertisers which is the -- which is the United States association of advertisers, the tobacco companies are part of that association.

0228

The world Federation of Advertisers based in Brussels to which all the -- yes, all the national advertiser's association belong. They have all the -- all the major companies and all product sectors belong to those -- to those associations. It's an association of national advertisers or federation is an association of the federation throughout the world.
MR. PENNOCK: I'm not sure you've answered my question, but thank you very much.
THE VIDEOGRAPHER: Mr. Howard?
MR. HOWARD: Nothing further.
THE VIDEOGRAPHER: This concludes today's videotaped deposition of Mr. Richard Corner in the matter of Iron Workers Local 17 versus Philip Morris. It's 5:05 p.m. This is the end of tape number three of three.

http://legacy.library.ucsf.edu/tid/dhq37a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

(TIME NOTED: 5:05 P.M.)

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct.

Executed on _____, 19____, at_____,_____.

_____
SIGNATURE OF THE WITNESS

STATE OF NEW YORK)
ss:
COUNTY OF NEW YORK)

I, JACQUELINE A. SCHUH, a Certified Shorthand Reporter within and for the State of California, do hereby certify:

That the foregoing proceedings were taken down by me in shorthand and thereafter transcribed under my direction and supervision, and that the within transcript is a true record of such proceedings.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of January, 1999.

_____
JACQUELINE A. SCHUH, CSR

INDEX
VOLUME I

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Source: http://www.industrydocuments.ucsf.edu/docs/ssxl0001

TUESDAY, DECEMBER 15, 1998

WITNESS

RICHARD CORNER	EXAMINATION
(By Mr. Pennock)	3, 108, 226
(By Mr. Howard)	218

0232

DEPOSITION EXHIBITS
RICHARD CORNER

NUMBER	DESCRIPTION	IDENTIFIED
1	Amended Notice of Deposition Upon Oral Examination of Richard M. Corner	9
2	Notice of Deposition Upon Oral Examination of Richard M. Corner	10
3	Inter-Office Correspondence from Richard Corner to R.W. Murray dated 4-4-80	14
4	Letter to R. Corner from Mary Covington dated 6-29-87	26
5	Letter to M. Covington from T. L. Walls dated 7-7-82	26

0233

DEPOSITION EXHIBITS (CONTINUED)
RICHARD CORNER

NUMBER	DESCRIPTION	IDENTIFIED
6	ICOSI International Committee on Smoking Issues Report dated April 1979	44
7	File Memo to Distribution List	59
8	SAWP Meeting notes dated March 31 - April 1, 1980	63

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf
Digitized by the Legacy Industry Documents Library. http://www.industrydocuments.ucsf.edu/docs/ssxl0001

9	Part I - Short Review of SAWP's Major Activities - Dennis Durden	69
10	Presentation on Social Costs/Social Values to INFOTAB Board of Directors Meeting on October 31, 1983	70
11	ICOSI-SAWP National Association Meeting - Zurich, May 20-23, 1979	76

0234

DEPOSITION EXHIBITS (CONTINUED)
RICHARD CORNER

NUMBER	DESCRIPTION	IDENTIFIED
12	Letter to Bill from J. Hartogh dated 5-15-79	76
13	Third Report by Working Party on Social Acceptability of Smoking to International Committee on Smoking Issues	87
14	Fifth Meeting of Social Acceptability Working Party, May 14-16, 1978	94
15	Memo to Tana Wells from Mary Covington dated 4-29-79	100
16	Letter to Senior Staff dated 4-10-85	114
17	Memorandum to Advisory Group Members	118

0235

DEPOSITION EXHIBITS (CONTINUED)
RICHARD CORNER

NUMBER	DESCRIPTION	IDENTIFIED
18	Memorandum dated 7-19-83	118
19	Memorandum to The File from R. Corner dated 11-3-83	118
19A	Memorandum to The File from R. Corner dated 10-28-83	118
20	Memorandum dated 7-30-84	118
21	Social Costs Hearing Readiness Report	118
22	Memorandum to Mary Covington Re: SAWP Countermeasures	124
23	Memorandum to Mary Covington Re: Further to the Question of Social Cost	129

http://legacy.library.ucsf.edu/tid/dhq7a00/pdf Digitized by http://www.industrydocuments.ucsf.edu/docs/ssxl0001

0236

DEPOSITION EXHIBITS (CONTINUED)
RICHARD CORNER

NUMBER	DESCRIPTION	IDENTIFIED
24	Memorandum to Dennis Durden from Martin Mulholland	139
25	Social Costs/Social Values Handbook	142
26	Letter to SAWP from George Berman dated 5-13-80	145
27	ICOSI Project List for January 1 through August 31, 1980	149
28	Letter to Aaron Wildavsky from Helmut Wakeham dated 8-26-80	152
29	Letter to Aaron Wildavsky from Helmut Wakeham dated 10-17-80	152

0237

DEPOSITION EXHIBITS (CONTINUED)
RICHARD CORNER

NUMBER	DESCRIPTION	IDENTIFIED
30	Minutes of the Thirteenth Meeting of ICOSI/SAWP, Brussels, October 23-24, 1979	155
31	Memorandum to Mary Covington, George Berman, et al.	165
32	Memorandum to all National Manufacturers Associations dated 5-30-80	167
33	Memorandum, Attention: J. Gibson dated 9-2-83	168
34	Memorandum dated 4-20-83	172
35	Memorandum from William Kloepfer dated 11/20	176

0238

DEPOSITION EXHIBITS (CONTINUED)
RICHARD CORNER

NUMBER	DESCRIPTION	IDENTIFIED
36	INFOTAB memorandum dated 3-28-86	196
37	Discussion of EPA/OSHA Issues Meeting of the Tobacco Institute	199

http://legacy.library.ucsf.edu/tid/dhc07a00/pdf
Support http://www.industrydocuments.ucsf.edu/docs/ssxl0001

		Executive Committee dated 2-7-91	
	38	Project Progress Report dated 5-12-83	212
	39	Handwritten document entitled "Social Cost/Social Value"	212

http://legacy.library.ucsf.edu/tid/dht07a00/pdf
Support: http://www.industrydocuments.ucsf.edu/docs/ssxl0001